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ORDINANCES

OF THE

City of Middletown

Revised and Published by the Authority of the City Commission, and containing all the General Ordinances of a permanent nature amended and in force December 1, 1915.

COMPILED BY G. W. A. WILMER, ATT'Y.

1915
Naegele-Auer Printing Co.,
Middletown, Ohio.
TYPOGRAPHICAL UNION LABEL MIDDLETOWN

PREFACE.

Ordinances, of a general and permanent nature only, are contained in this book. Many ordinances, temporary in their character, have been omitted. The latter may be found in the books and records in the office of the Clerk in the City Building.

Since the last codification of ordinances in 1893, the city government has been changed from the federal form of government to the commission form of government. By virtue of the provisions of the charter, under which the city is now governed, all ordinances enacted prior to the adoption of the commission form of government and not inconsistent therewith, remain in full force and effect. The duties, powers and rights of the council and the offices by which the council administered the government of the city have been absorbed by the present form of government and have been conferred and delegated, automatically, by the provisions of the charter, to the City Commission.

G. W. A. WILMER.

Middletown, Ohio, Dec. 1, 1915.

EXPLANATION.

At the end of some of the ordinances, notations are made. These notations give the history of the particular ordinance to which they are affixed and they will appear in the following form:—

(Ord. Bk. 9, Page 369; June 2, 1911.)

(Amend. Ord. Bk. 9, Page 391; June 24, 1911.)

The interpretation to be given the above is that the original ordinance was enacted June 2, 1911 and may be found in Ordinance Book No. 9 on page 369; and that the ordinance, amending the original ordinance, was passed June 24, 1911 and may be found in Ordinance Book 9, page 391, of the books and records in the city building.

It was possible, only to make these notations for ordinances enacted after June 1, 1893. Therefore, for ordinances passed prior to that time, the date of their enactment only has been given.

G. W. A. WILMER.

CHARTER COMMISSION.

An ordinance to provide for the submission to the electors of the question "Shall a commission be chosen to frame a charter for the City of Middletown, Ohio, and for the election of the members of the Commission?

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, two-thirds of all members elected thereto concerning.

SECTION 1. That the question "Shall a commission be chosen to frame a charter?" be submitted to a vote of the qualified electors of said City at the special election to be held on Tuesday, the sixth day of May, 1913, at the regular place or places of voting in said City as established by the Board of Deputy State Supervisors and Inspectors of Elections of Butler County, Ohio, between the hours of 5:30 A. M. and 5:30 P. M. That said election shall be submitted in the form following, to-wit:—

"Shall a commission be chosen to frame a Charter?" and those who vote in favor of the proposition shall have written or printed on their ballots the words "YES" and those who vote against same shall have written or printed on their ballot the word "NO."

SECTION 2. That the ballot upon which the question provided for in section one hereof shall be submitted, shall bear no party designation: it shall have printed or written thereupon the names of all electors who shall have been nominated as provided in section three hereof, in case a majority of electors voting upon the question "Shall a commission be chosen to frame a Charter" shall have voted in the affirmative, then and in that event and not otherwise the fifteen electors who shall have received the largest number of votes for members of such commission shall be and constitute "A Commission to Frame a Charter."

SECTION 3. All nominations for members of such Commission shall be made by nomination-papers signed by petitioners not less in number than one for each fifty persons who voted at the last preceding general municipal election, and shall be certified and filed in the same manner as is provided by law for the filing and certification of the nomination-papers of candidates for municipal offices in annual registration cities, not less than twenty-five days prior to the said sixth day of May, 1913.

SECTION 4. The ballots for members of the Commission shall be prepared and printed as follows: The whole number of ballots to be printed for the municipality shall be divided by the number of Candidates for members of the Commission, and the quotient so obtained shall be the number of ballots on each series of ballots to be printed the names of Candidates shall arrange in alphabetical order and the first shall be placed last and the next series printed and so shall the process be repeated until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together.

SECTION 5. The ballots shall be so printed as to give each elector a clear opportunity to designate by a cross mark in the blank enclosed space on the left and before the name of each candidate, his choice of particular candidates. A cross shall be placed at the left of the name of each candidate for whom the elector desires to vote.

SECTION 6. That the Clerk be and he is hereby directed to certify a copy of this ordinance to the Board of Deputy State Supervisors and Inspectors of Elections of Butler County, Ohio.

SECTION 7. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 8, Page 149-150; Jan. 31, 1913.)

FOREWORD.

To the Honorable Council and to the Electors of the City of Middletown, Ohio.

GENTLEMEN:—

We, the commissioners elected by the people of the City of Middletown, Ohio, to prepare a charter for the City, under the Constitution of Ohio, whereby the people, under the powers therein granted, have the right to create their own form of government, and prescribe the powers of the officers beg leave to report:

1st. That we have given to this subject many days of careful consideration.

2nd. We herewith present to you a new charter to be voted for on August 8, 1913, and it is presented in the hope that it will enable our City to have a more efficient and economical form of government, by combining the legislative and administrative departments, thereby eliminating the useless and wasteful efforts of divided authority and divided responsibility.

3rd. We have reserved as a part of this charter the power in the people to propose ordinances which they may deem wise and proper and by the referendum to prevent the adoption of ordinances, which the people may think improper, extravagant, wateful or harmful.

4th. By the recall we have reserved to the people the right to remove any elective officer for any good and sufficient cause.

5th. We have selected the commission form of government, because it seems to us to be properly adapted to Cities like our own. We have made the commission responsible to the people, and to the people alone.

PREAMBLE.

We, the people of the City of Middletown, State of Ohio, in order to secure for ourselves the benefits of local self government under the Constitution of the State of Ohio, do order and establish this charter for the government of said City of Middletown and its successors.

ARTICLE I.

SECTION 1. *Name and Boundaries.* The municipal corporation now existing and known as "The City of Middletown" shall remain and continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory continguous thereto in the manner authorized by the general laws of Ohio.

SECTION 2. *Saving Clause.* All general laws of the State of Ohio applicable to municipal corporations, now existing or hereafter enacted, not to conflict with the provisions of this charter, or with the ordinances enacted thereunder, shall apply to the government of the City of Middletown.

All ordinances, by-laws and resolutions now in force, or in force when this charter takes effect, not inconsistent or in conflict with the provisions of this charter, shall continue in full force and effect until repealed, altered or amended as provided by general laws and the provisions of this charter. All vested rights of the City of Middletown, and all property, real and personal, of the City, shall continue to be vested or belong to the city, and not affected by the adoption of this charter; nor shall any right or liability, pending suit or prosecution, either on behalf of or against the City, be in any manner affected by the provisions hereof.

The enumeration of particular powers by this charter shall not be held or deemed exclusive, but in addition to the powers enumerated herein, or implied thereby, appropriate to the exercise thereof, the City shall have and may exercise all other powers granted to municipal corporations, unless such grant of general powers by the State of Ohio is in conflict with the provisions hereof.

SECTION 3. *Officers—How Elected.* All officers provided to be elected in this charter shall be elected upon one ballot, and without any party designation of any kind upon such ballot.

The names of all candidates shall be placed under a proper heading designating the title of the office to be selected, in the manner now provided for the election of members of the Board of Education.

SECTION 4. *Nominations of Same.* Before any name shall be placed upon the ballot a petition, signed by 5% of the electors of the city, shall be filed with the Board of Deputy Supervisors of Elections of Butler County, Ohio, at least sixty (60) days prior to such election, unless such candidate has been nominated at a regular primary election held under the laws of the State of Ohio, and all candidates whether nominated by petition or primary as aforesaid shall be placed upon such ticket without any party designation thereof.

ARTICLE II.—CITY COMMISSION.

OFFICERS, POWERS, DUTIES, TERMS AND SALARIES.

SECTION 1. *Abolition of Existing Offices.* All existing elective officers, including the city council and members thereof, and all commissions and boards in conflict with the provisions of this charter are hereby abolished; provided that all officials of the city, both elective and appointive, now in office, shall continue to discharge and perform the respective duties thereof until the election, qualification and organization of the first City Commission under this charter.

SECTION 2. *City Commission.* There is hereby created a City Commission consisting of five (5) electors, resident of the City of Middletown, who shall be nominated and elected as hereinbefore stated, and shall exercise all powers, authority and rights, legislative, executive and administrative now vested in and exercised by the City of Middletown and its several officers. All powers, authority and rights vested in or granted to the City of Middletown, its city council and the members thereof, shall, subject to the provisions of the Constitution of the State of Ohio and of this Charter, be vested in, possessed and exercised by said City Commission and the several members thereof, or under their direction.

SECTION 3. *Election.* At the first election held after the adoption of this charter the entire number of commissioners shall be chosen. The two candidates receiving the highest number of votes at such first election shall serve for four years, and the remaining commissioners for two years. At all subsequent elections except where a commissioner is chosen to fill an unexpired term, the commissioners shall be chosen for a term of four years.

Vacancies in the Commission shall be filled by the Commission for the remainder of the unexpired term. If the term of such commissioner whose place becomes vacant does not expire on the first day of January following the next regular municipal election, then such person chosen by the Commission shall serve only until such regular election, at which time a commissioner shall be elected to fill the remainder of the unexpired term. When a vacancy occurs as the result of a recall election, such vacancy shall be filled in the manner provided for such cases.

SECTION 4. *Meetings of Commission.* At ten o'clock a. m. on the first day of January following a regular municipal election, the Commission shall meet at the regular place of holding such meetings, at which time the newly elected commissioners shall assume the duties of their office.

Thereafter the Commission shall meet in legislative session at least once each month, and in administrative session at least once each week, at such times as the said commission may prescribe by ordinance or resolution. No legislative business shall be considered or acted upon at administrative sessions.

SECTION 5. *Special Meetings.* Upon written request of the Chairman or any two members, special legislative sessions of the commission shall be called by the clerk. Such request shall state the subjects to be considered at said special meeting, and no other business shall be there transacted.

SECTION 6. *Meetings Open to Public.* All meetings, whether legislative or administrative, of the City Commission, shall be open to the public at all times, and all records of such City Commission shall be open to the inspection of any elector of the City of Middletown at all reasonable time.

SECTION 7. *Right of Petition.* The right to petition the City Commission is reserved to the people at all times, and any petition presented by any electors shall be properly filed and duly recorded.

SECTION 8. *Signing of Ordinances.* Every ordinance or resolution passed by the city commission shall be signed by the Chairman, or two members, and filed with the Clerk within two days and by him recorded, and shall be published in the manner hereinafter provided.

SECTION 9. *Powers of Commission.* The powers conferred upon municipal corporations by the State of Ohio and by the General Laws of the State of Ohio, and such additional powers which may have been or may be hereafter conferred upon municipal corporations by the General Assembly, shall be exercised by the City Commission, or under its direction, unless the exercise of such powers shall have been expressly conferred upon some other authority of the City of Middletown or reserved to the people.

SECTION 10. *Salaries of City Commissioners.* The salary of each commissioner shall be $500.00 per year, payable quarterly out of the City Treasury.

If any commissioner shall be absent from any regular or special legislative or administrative session there shall be deducted out of his compensation for each meeting so missed 2% of the annual salary herein provided.

SECTION 11. *Bonds of Commissioners.* Each Commissioner shall within ten days after receiving notice of his election, give a bond payable to the City of Middletown in the sum of $3,000.00, which bond shall be filed with the Auditor of the City prior to the First day of January following his election. The surety on such bond shall be some Surety Company authorized to do dusiness in the State of

Ohio, and the premium required by such Surety Company shall be payable out of the General Fund of the City.

ARTICLE III.

SECTION 1. *Administrative Officers, Appointing Power.* The City Commission shall appoint a clerk, treasurer, auditor, attorney, city engineer, and all other administrative officers which in their judgment are necessary for the proper discharge of the public business.

SECTION 2. *Creation and Discontinuance of Offices.* Subject to the provisions of this charter, the City Commission shall have authority to create and discontinue offices, departments and employments; to appoint or provide for the appointment of all officers and employees of the city of Middletown; to remove any such officers or employee by a majority vote of all members; and by ordinance or resolution, to prescribe, limit or change the compensation of such officers and employees.

SECTION 3. *Board of Health.* The Board of Health as now constituted shall continue in office until the terms of its members shall respectively expire, and the City Commission shall appoint new members to such Board of Health upon expiration of the terms of office of the respective members; and such Board of Health shall exercise all the powers now conferred by general law upon Boards of Health, or which may be hereafter conferred by the General Assembly or by ordinance of the City of Middletown; and such Board shall serve without compensation.

SECTION 4. *Board of Library Trustees.* The Board of Library Trustees now in office shall continue in office until their respective terms shall expire; and the City Commission is hereby authorized to fill such terms upon the expiration thereof, and said Board of Library Trustees shall exercise the powers, duties, and obligations as provided for by ordinance or the general laws, or which may be hereafter provided by the General Assembly of the State of Ohio; and such Board shall serve without compensation.

SECTION 5. *Park Commissioners.* The Park Commissioners of the City shall continue in office for their respective terms and upon the expiration of which terms the City Commission is hereby authorized to fill the same by appointment, and such park commissioners shall exercise the powers and duties now conferred by general law or which may hereafter be conferred upon such commissioners by the General Assembly of the State of Ohio. Such Park Commissioners shall serve without compensation.

SECTION 6. *Treasurer.* The Treasurer shall be the custodian of all moneys of the City, and shall keep and preserve the same in such manner and in such places as shall be determined by the City Commission. He shall pay out money only on warrants issued by the auditor.

SECTION 7. *Auditor.* The Commission shall appoint an auditor, who shall keep an accurate account of all taxes and assessments; of all money due to and receipts and disbursements of the City of Middletown; of all assets and liabilities of the City, and of all appropriations made by the City Commission. He shall at the end of each fiscal year, and oftener if required by the Commission, audit the accounts of the several departments and officers, and all other accounts in which the city is interested. He may, under the direction of the City Commission, prescribe the form of reports to be rendered to his department, and the method of keeping accounts of all departments. He shall require daily reports to be made to him by each department, showing the receipts of all moneys by such department, and shall perform all other duties which the City Commission may hereafter require of such auditor by ordinance or resolution. The auditor shall upon the death, resignation, removal or expiration of the term of any officer, audit the accounts of such officer, and if such officer shall be found indebted to the city he shall immediately give notice thereof to the City Commission and to the Attorney, and the latter shall forthwith proceed to endeavor to collect the same.

SECTION 8. *Clerk.* The City Commission shall choose a clerk who shall keep the records of the City Commission, and perform such other duties as may be required by ordinance or resolution.

SECTION 9. *City Attorney—Powers and Duties.* The City Attorney shall act as the legal adviser to and attorney and counsel for the City, and to all officers in matters relating to their official duties. He shall prepare all resolutions and bonds and other instruments in writing in which the city is concerned, and shall endorse on each his approval of the form and correctness thereof. He shall, at the request of the City Commission, prosecute or defend all suits at law or in equity in which the city is interested, and shall perform such other duties as may be required from time to time by the City Commission. The said City Commission may, at its discretion, employ other counsel for and on behalf of the city to prosecute or defend any case in which the City is interested, when in its judgment such additional counsel is necessary. The Attorney shall be the prosecutor in the municipal court, and if the County Commissioners pay any fees or salary for such prosecution, said Attorney shall receive no additional compensation for acting as prosecutor in such municipal court. The Attorney shall have the general powers to prevent the unlawful execution of any contract or the unlawful payment of money, or to prevent the violation of any of the provisions of this charter, in the name of the City of Middletown, by injunction or otherwise. In addition thereto he shall have all powers to bring suits by injunction now granted or which may be hereafter granted by the General Assembly of the State of Ohio.

SECTION 10. *Other Officers.* All other appointive officers authorized hereunder to be appointed or which the City Commission from time to time may find necessary for the proper discharge of the business of the city, shall perform such duties as may be provided from time to time by the City Commission.

SECTION 11. *Chairman of Commission.* At the first meeting following each regular municipal election, the City Commission shall choose one of its members chairman, who shall preside at all meetings of the Commission; authenticate all ordinances or resolutions adopted by the City Commission; sign and execute all contracts on behalf of the City; be authorized and empowered to sign the corporate name of the City to all bonds, or other evidences of indebtedness, and to affix the seal of the corporation on all papers requiring said seal; make all proclamations in the name of the city necessary or required either by general or by ordinance or resolution of the City Commission; and shall for the time being be the executive head of the City.

SECTION 12. *Bonds.* The City Commission shall determine by ordinance the amount of bonds to be given for the faithful performance of the duties of every officer or employee of the City, and the said Commission may by ordinance declare that all or any such officers shall be bonded in some indemnity or surety company authorized to do business in the State of Ohio, and may by like ordinance provide for the payment of the premium required by such surety companies, out of the city treasury.

SECTION 13. *Oath of Office.* Every officer and employee of the City holding a position upon annual salary, shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the clerk that he will support the constitution of the United States, that of the State of Ohio, and the charter and ordinances of the city of Middletown; that he will not be influenced by any consideration except that of merit and fitness in the appointment or discharge of employees; that he will not make or authorize the expenditure of public money other than for adequate consideration and efficient service, and that he will in all other respects faithfully discharge the duties of his position or office.

SECTION 14. *Fees and Costs to be Paid into City Treasury.* All fees and perquisites authorized by law or ordinance appertaining to any officer or office in the city government shall be paid into the city treasury to the credit of such fund as may be directed by the City Commission, and no officer or employee shall receive other than as the representative of the city, and for the purpose of paying the same into the city treasury, any fee, present, gift, emolument, or share therein, for official services, other than his regular salary or compensation, and any officer violating this provision shall thereby forfeit his office. No member of the city government or any officer or employee shall receive compensation for services rendered in any other department of the city government, nor shall they, or any officer, clerk or employee of the city act as agent or attorney for any person, company or corporation in relation to any matter to be affected by action of the legislative or any other department of the city, or by action of any officer of the city. The violation of this provision shall be cause for removal.

SECTION 15. *Commission to Fix Duties of Employees and Officers.* The City Commission shall prescribe the duties of all officers and employees of the city by ordinance or resolution, but such ordinances or resolutions shall not conflict with the provisions of this charter.

ARTICLE IV.

SECTION 1. *Payment of Claims.* No warrant for the payment of any claim shall be issued by the Auditor until such claim shall have been approved by the officer or employee in charge of the department for which the indebtedness was incurred, and each officer or employee of such department and his surety shall be liable to the city for all loss sustained by the city by reason of the negligent or corrupt approval of any claim against the city in his department. Whenever any claim shall be presented to the Auditor he shall have power to require evidence that the amount of the claim is justly due and is in conformity to law or ordinance, and for that purpose he may summon before him any officer, agent or employee of the city, or any other person and examine him under oath or affirmation relative thereto, which oath or affirmation he may administer.

SECTION 2. *No Officer to be Interested in Contracts.* No member of the city commission or any other officer or employee of the city shall be interested in the profits or emoluments of any contract, job, work or service for the city. Any member who is, or may become interested in any contract, job, work or service for the city, shall forthwith forfeit his office. Any contract in which any member of the City Commission is or may become interested in any way whatsoever, may be declared void by the city commission.

SECTION 3. *Legislative Procedure.* A majority of the members of the City Commission shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members. The affirmative vote of a majority of the members of the city commission shall be necessary to adopt any motion, ordinance or resolution, and on the passage of every ordinance or resolution the vote shall be taken by "yeas" and "nays," and recorded upon the journal.

SECTION 4. *Form of Ordinance.* Each ordinance or resolution shall be in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title, provided, however, that a general appropriation ordin ance may contain the various subjects and accounts for which money is appropriated.

SECTION 5. *Passage of Ordinance.* No ordinance shall be passed until it shall have been read on three separate days, unless it be declared an emergency measure, and said emergency shall be stated in such resolution or ordinance. No ordinance shall be declared an emergency measure except for the preservation of the public peace, public health or public property, and such emergency measure may be passed by reading the same three times at the same meeting by suspending this provision upon the affirmative vote of four members.

SECTION 6. *Publication of Ordinances.* No ordinances or resolutions except emergency resolutions and ordinances shall go in effect until after 30 days from the date of their passage, except as otherwise provided in this charter. Emergency measures may be declared in effect upon the passage and publication of such ordinance or resolution. Any ordinance or resolution of a general and permanent nature, or providing for public improvement or assessing property shall, upon passage, be promptly published one time in not more than two newspapers, printed and of general circulation in the city. Such ordinance or resolution shall be printed in the body type of the paper under headlines in 18 point type, which shall specify the nature of such legislation. For the publication of ordinances no newspaper shall be paid any higher rate or price than its maximum bona fide commercial rate.

SECTION 7. *Annual Tax Ordinances.* On the first Monday of May in each year the auditor shall prepare an ordinance to determine the amount of tax levy, under the direction of the City Commission. For the purpose of preparing such ordinance the auditor shall require of each officer in charge of any department for which appropriations are made and such officer shall furnish, a detailed statement in writing of the expenditures of such office or department for the previous year. After such tax ordinance is prepared opportunity shall be given, after at least one week's notice, for public hearings thereon. The ordinance shall then be submitted to the City Commission and by them to the County Budget Commission, which shall fix the total maximum levy permitted to the city for the ensuing year. Such ordinance prescribing the levy shall specify definitely each and every purpose for which the levy is made and the amount thereof. If the levy as made by the City Commission shall be in excess of the limit allowed by law, the City Commission, after receiving notice from the county auditor, shall, within ten days after receipt of such notice, revise its levy, so as to bring it within the law.

SECTION 8. *Appropriations.* A semi-annual appropriation ordinance shall be prepared by the auditor from the estimates of expenditures, necessary or required, furnished to him by the officer in charge of departments for which appropriations are made, or by the City Commission. The total of any such appropriation ordinance shall not exceed the total balance carried over from the previous appropriation plue the estimated revenue of the current half year.

SECTION 9. *Supplemental Appropriations.* Supplemental appropriations shall not be made during the current year from a contingent fund regularly set aside by the City

Commission in a semi-annual appropriation ordinance, unless such supplemental appropriation shall be required for the preservation of the public peace, public health, or public property, and for that purpose any and all funds in the city treasury, unexpended or unappropriated for the payment of any contract, may be used for such purposes.

SECTION 9. *Monthly Statement of Balances.* The auditor shall furnish monthly to the City Commission a written statement of all the balances on hand and to the credit of any fund or to the credit of any appropriation made for any specific purpose.

SECTION 10. *Limitation of Appropriations.* No money shall be drawn from the city treasury except in pursuance of appropriations made by the City Commission, and whenever an appropriation is so made, the clerk shall forthwith give notice to the treasurer and auditor. Appropriations may be made in furtherance of improvements, or other objects or work of the city, which will not be completed within the current half year. At the end of each half year all unexpended balances of appropriations shall revert to the funds from which the same were appropriated, and be subject to future appropriations.

SECTION 11. *Investigations by Commission.* The City Commission or any committee thereof, authorized by it so to do, shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of the commission, or any committee thereof; and for that purpose may issue subpoenas or attachments. Such subpoenas or attachments shall be signed by the presiding officer of the commission or the chairman of any committee, as the case may be, and shall be served and executed by any police or other officer of the city. If any witness shall refuse to testify to any facts within his knowledge, or produce any books or papers in his possession or under his control, relating to the matter then under inquiry, the City Commission shall have power to commit the witness to prison for contempt. No witness shall be excused from testifying touching his knowledge of the matter under investigation, but such testimony shall not be used against him in any criminal prosecution except prosecution for perjury.

SECTION 12. *Reports of Commission.* At the end of each year the City Commission shall have printed an annual report in pamphlet form, giving a classified statement of all receipts and expenditures, assets and liabilities of the city; a detailed comparison of such receipts and expenditures with those of the preceding year; a summary of the commission's proceedings and the operation of the administrative departments for the previous year. Copies of such report shall be furnished to the city library and to any citizen of the city who may apply therefor at the office of the clerk.

ARTICLE V.

MUNICIPAL COURT.

SECTION 1. *Powers and Duties.* There is hereby created and established a municipal court of the City of Middletown, and the office of the Judge of said court. Said court shall be styled the "Municipal Court" and shall be a court of record. It shall have jurisdiction of all offences under the ordinances of the city now or hereafter enacted, and all misdemeanors committed within the corporate limits of the city, and to hear and finally determine all such cases, and to impose the penalty prescribed by law or ordinance. Cases in which the accused is entitled to a trial by jury shall be so tried, unless the accused in writing, waive a jury. It shall have further jurisdiction in all criminal cases as is now, or may be conferred upon mayor's courts, police courts, or other similar courts by the general assembly of the State of Ohio, and as an examining court to try persons accused of the commission of any felony or other crime or misdemeanor under the laws of the State of Ohio.

SECTION 2. *Judge, Qualifications.* The judge of the municipal court shall be elected by the electors of the city in the same manner and at the same time as other elective officers. He shall serve for a term of four years, and his term of office shall commence on the first Monday of January next following his election. He shall be a qualified elector of the city, and an attorney and counsellor at law, duly admitted and licensed to practice law in the State of Ohio.

The judge of the municipal court shall not be prevented or barred by reason of holding such office, from practicing as an attorney or counsellor at law in any of the courts of the state in any and all matters of business not relating to or pending in said municipal court.

SECTION 3. *Salary.* The said judge of the municipal court shall receive a salary of $600.00 per year, payable quarterly out of the city treasury on the order of the auditor, and he shall not be entitled to receive any other compensation of any kind whatever excepting such salary. All fines prescribed as a penalty for the commission of any offense, and all costs assessed against any offender, whether in said municipal court or in any other court of record to which such offender may be bound and in which he is finally tried, shall be paid into the city treasury to the credit of such fund as may be directed by the City Commission.

SECTION 4. *Filling of Vacancy.* In case of death, resignation or removal of the municipal court judge, the City Commission is hereby authorized to fill such vacancy for the unexpired term, unless there shall be a regular municipal election during such unexpired term, then he shall be appointed until his successor may be elected and qualified, and if such an election shall occur during such unexpired term his successor shall be elected at said regular municipal election for the unexpired term.

SECTION 5. *Clerk of Court.* The City Commission may designate the clerk of such commission or any other person to act as clerk of the municipal court, who shall keep the records thereof; be authorized to issue warrants for the arrest of any offender upon affidavit filed pursuant to law; and be authorized to receive bonds in the absence of the municipal court judge, for the release of any offender. and shall be authorized to administer oaths to all witnesses called in said court and perform such other duties in reference to said court as the judge thereof, or the City Commission may designate. He shall receive such salary for acting as such clerk as the City Commission may by ordinance determine.

SECTION 6. *Sessions of Said Court.* Such municipal court shall hold daily sessions for the trial of any offenders, at such time as the said judge may designate. In the temporary absence or any case of sickness or disability of said judge to act, the City Commission is hereby authorized to appoint an acting judge who shall receive such proportion of said judge's salary as the number of days he may act bears in proportion to the whole salary of said judge, and the same shall be deducted from the compensation of said judge of the municipal court.

SECTION 7. *Other Officers of Municipal Court.* The chief of police, by virtue of his office, shall be the executive officer of such municipal court, or said chief of police may designate any police officer of the city to act as such. He shall by himself or police officer serve all summons, subpoenas and other processes issued out of said court, and for such service the chief of police shall receive no additional compensation other than the amount of salary fixed by the city commission as the annual compensation of such police chief or such police officer. All costs collected or assessed against any offender, whether collected in said municipal court or any other court of record, shall be promptly paid into the city treasury to the credit of such fund as the City Commission may determine.

ARTICLE VI.

SECTION 1. *Civil Service Commission.* Within ten days after the election and qualification of the City Commission, it shall appoint three electors, who shall constitute the civil service commission, one for two years, one for four years and one for six years, who shall serve until their successors are appointed and have qualified. Any vacancy in the civil service commission shall be filled by the City Commission for the unexpired term. The City Commission may at any time remove any of said civil service commission for misconduct, neglect of duty, or malfeasance in office, first having given said commissioner an opportunity of being publicly heard in person or by counsel in his own defense.

SECTION 2. *Powers and Duties.* The civil service commission shall serve without compensation, and its duties shall be to enforce the provisions of the civil service law with respect to all offices and places of employment in the city. It shall make such rules for the proper performance of its duties as it shall find necessary and expedient, and as are not inconsistent with the civil service law.

ARTICLE VII.

SAVING CLAUSE.

SECTION 1. *Existing Officers Retained.* All officers, boards or commissions and all employees of the city are hereby continued in office at the discretion of the City Commission until the City Commission shall have organized the city in such departments as it may deem proper, and by resolution or ordinance shall have created the office or employment of such persons who shall have charge of such departments. Such officers of the city to continue in office at the same salary as such officers now receive, which shall continue until their successors are appointed as above stated and have qualified as required by the ordinance or resolution creating such office.

ARTICLE VIII.

SAFETY AND SANITARY DEPARTMENTS.

SECTION 1. *Police, Fire and Sanitary Dept.* All members of the police, fire and sanitary departments shall be appointed as required by the civil service acts of the State of Ohio, and no officer or employee in such departments shall be discharged from such office or employment except as provided by such act, or for misfeasance or nonfeasance in office, or for inefficiency in the discharge of his duties, or failure to observe the laws of the State of Ohio, the ordinances and resolutions of the City Commission, or the rules prescribed for the government of any department of the city.

SECTION 2. *Appointments.* In appointing any officer or employee of the city nothing shall be taken into consideration except the ability and qualifications of such person to discharge the duties of such office or place of employment.

ARTICLE IX.

ELECTION AND TIME OF TAKING EFFECT.

SECTION 1. *Time of Election of Officers.* The first city commission and the judge of the municipal court shall be elected at the regular municipal election to be held in the month of November, 1913.

This charter shall take effect from and after its adoption by the electors of the City of Middletown.

ARTICLE X.

INITIATIVE, REFERENDUM AND RECALL.

SECTION 1. *Initiative.* Any ordinance may be submitted to the City Commission by a petition signed by not less than 20% of the voters who voted at the last preceding general municipal election. Such petition shall have attached thereto a verified statement of the person or persons who secured the signatures that the signatures thereto are genuine, and to the best of his knowledge and belief the persons signing the same voted at the last general municipal election. Such petition shall contain the residence of each elector signing the same, by street, number and ward.

The form, sufficiency and legality of such petition shall be determined by the clerk of the commission.

SECTION 2. *Petition Therefor.* The petition presenting the proposed ordinance shall contain a statement in not more than 200 words, giving the petitioners' reasons why such ordinance should be adopted, and if such petition shall contain a request that such ordinance be submitted to a vote of the people, the commission shall either:

(a) Pass such ordinance without alteration within thirty (30) days after the sufficiency of the petition has been determined and certified to the clerk by the election authorities, or,

(b) Within thirty days after such certification call a special election, unless a general or regular primary election shall be held within six months thereafter, and at such special, primary or general election such proposed ordinance shall be submitted without alteration to a vote of the electors of the city.

The ballot used when voting upon any such ordinance shall contain a printed statement of the nature of the ordinance, and the two propositions in the order here set forth:

"For the Ordinance"

"Against the Ordinance"

and shall be printed as provided in the general election laws. Immediately to the left of each of the propositions shall be placed a square in which the elector by making a cross ("X") mark may vote for or against the adoption of the ordinance. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, it shall thereupon become a valid and binding ordinance of the city. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election for such purpose in any period of one year.

SECTION 3. *Referendum.* No ordinance passed by the City Commission, unless it be an emergency measure, as hereinbefore declared in this charter, shall take effect until 30 days after its passage. If, at any time, during said 30 days, a petition, signed by electors equal in number to at least 10% of the number of registered voters of the city, requesting the repeal of the ordinance and its submission to a referendum, be presented to the commission, such ordinance shall thereupon be suspended from going into operation, and it shall be the duty of the city commission to reconsider such ordinance. If upon reconsideration such ordinance is not repealed, the said commission shall, after the sufficiency of the petition has been certified to the clerk of the commission, submit the ordinance to a vote of the electors of the city at a regular, or special election which may be called for that purpose at the discretion of the city commission. Such ordinance, upon the filing of such petition, shall not go into effect until after such election, and if approved by a majority of the electors voting thereon, such ordinance shall go into effect immediately after election, and if not approved the said ordinance shall be null and void.

SECTION 4. At any election in which any proposition is referred to the electors by referendum, as herein provided, the ballots shall contain the same words as herein provided for elections by initiative.

SECTION 5. *Ordinance Adopted on Vote Not to be Repealed Except by Vote.* Any ordinance proposed by petition as required hereunder and adopted by a vote of the electors shall not be repealed or amended except by submission to the electors in the manner hereinbefore stated for submission of ordinances to the electors.

SECTION 6. *Proposed Ordinance to be Approved as to Form.* Before any ordinance proposed under this article shall be submitted to the City Commission it shall first be approved as to its form by the city attorney, whose duty it shall be to put such proposed ordinance in proper legal language, and to render such other service to persons desiring to propose such ordinance, as shall be necessary to make the same proper for consideration by the city commission and the people.

SECTION 7. *Recall.* Any elective officer of this city may be removed from office by the qualified electors of the city. The procedure for such removal shall be as follows:

(1) A petition signed by persons who voted at the last regular municipal election equal in number to at least

20% of the total ballots cast at the last preceding general election, demanding the election of a successor to the person sought to be removed, shall be filed with the deputy state supervisor of elections, which petition shall contain a general statement in not more than 200 words, of the grounds upon which the removal is sought. The form, sufficiency, and regularity of such petition shall be determined by the election authorities.

(2) If the petition shall be sufficient, and the person or persons whose removal is sought shall not resign within 10 days after the sufficiency of the petition has been determined, the City Commission or the clerk thereof shall thereupon order and fix a date for the holding of an election to determine the question of his or their removal and for the election of a successor to each officer named in said petition; which election shall be held not less than 30 days nor more than 50 days from the finding of the sufficiency of the petition, unless a regular primary or general election shall be held within the city within 90 days from the date of the finding of the sufficiency of the petition. In such case such question shall be submitted at such general primary or regular election.

The election authorities shall cause publication of notices, and all arrangements to be made for holding such elections, and the same shall be conducted and the result thereof returned and declared in all respects as are the results of a general municipal election.

(3) The nomination of candidates to succeed each officer sought to be removed shall be made without the intervention of a primary election by filing with the election authorities at least 20 days prior to the date of such election, a petition proposing a person for each office, signed by ten per cent (10%) of the total ballots cast at the last general municipal election.

(4) The ballots at such recall election shall conform to the following requirements; with respect to each person whose removal is sought the question shall be submitted: "Shall (name of person) be removed from the office of

(name of office) by recall?" Immediately following each such question there shall be printed on the ballots, the two propositions in the order set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of the proposition shall be placed a square in which the electors, by making a cross (X) mark may vote for either of such propositions. Under each of said questions shall be placed the names of the candidates to fill the vacancy. The name of the officer whose removal is sought shall not appear on the ballot as a candidate to succeed himself.

(5) In any such election if a majority of the votes cast on the question of removal are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the candidate receiving the plurality of the votes cast for candidates for that office shall be declared elected. The successor of any person so removed shall hold office during the unexpired term of his predecessor. The question of the removal of any officer shall not be submitted to the electors until he shall have served for at least six months of the term during which he is sought to be removed. The method of removal herein provided is in addition to any other methods to remove an officer as is now provided by law.

If at any such recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the city treasury his actual and legitimate expense for such sum shall not exceed 50% of the sum which he is by law permitted to expend as a candidate in regular municipal elections.

SECTION 8. Any person removed from office by any recall election shall not be appointed or employed by the city in any department of the city for a period of at least two years from and after the date of such removal.

Section 9. *Right to Statement by Officers.* Each officer whose recall is sought by petition as above set forth shall have the right to present his statement in not more than 200 words, defending his position at such election, and such statement shall be mailed by the clerk of the commission to each registered voter of the city at least 15 days prior to such election.

ARTICLE XII.

Bonds—Sinking Fund.

Section 1. The City Commission shall exercise all the powers and perform all the duties heretofore granted to Sinking Fund Commissioners under the laws of Ohio.

Section 2. The City may issue bonds from time to time for such purposes as are now or may hereafter be authorized by the General Assembly of the State of Ohio. Such bonds shall be authenticated by the signature of the President of the City Commission and attested by the Auditor with the seal of the corporation thereon and they shall bear such rate of interest as may be authorized by law and shall be advertised and sold as is now or may hereafter be required by the Statutes of Ohio.

Section 3. The total indebtedness of the City for any bonds issued or to be hereafter issued, shall never exceed 4% of the total value of all property within the City of Middletown, as listed and assessed for taxation, not including bonds issued in anticipation of the collection of assessments, specially assessed, against abutting property for the improvement of any street, alley or public highway.

Section 4. The City Commission shall receive from the Sinking Fund Commission all moneys or other property belonging to the City and in the hands of the Sinking Fund Trustees or any other person or authority holding the same for such purposes; and the said City Commission shall establish a Sinking Fund for the purpose of paying accruing interest and bonds of the City as they severally become due; and all moneys placed in the Sinking Fund, either by taxation or otherwise, shall never be used for any other purpose than the payment of the interest and the principal of the bonds of the City of Middletown.

SECTION 5. The said City Commission may issue bonds for any of the purposes authorized by law, not exceeding in the aggregate in any one year, three-tenths of one per cent of the total value of all property in the City of Middletown as listed and assessed for taxation, without submitting the same to a vote of the electors, unless an issue of bonds may be necessary for the preservation of the Public Health or Public Property caused by an emergency.

SECTION 6. The said City Commission may issue bonds in a greater sum than provided in Section 5 by submitting the question of the issue of such bonds, in the manner now provided by law, to the electors of the City, at a regular or special election called for that purpose, and if a majority of those voting upon such question, vote in the affirmative thereof, then the City Commission may issue bonds greater in amount than the aggregate herein provided for in any one year; provided, however, that the total aggregate of bonds issued and authorized shall not exceed the limitation hereinbefore provided.

Respectfully submitted,
R. C. VANDERVEER,
I. T. GEARY,
B. F. HARWITZ,
V. C. HATFIELD,
JACOB F. HEER,
M. S. JOHNSTON,
JERE F. MINCHER,
JAMES McGREEVY,
W. G. PALMER,
T. A. SCULLY,
C. ED. SEBALD,
CHAS. W. SHARTLE,
C. W. THOMAS,
A. H. WALBURG,
WM. H. WOLVERTON,
Charter Commissioners.

INCORPORATION AND ANNEXATIONS.

AN ACT.

To incorporate the town of Middletown, and an act to amend the above entitled act.

SECTION 1. *BE IT ENACTED by the General Assembly of the State of Ohio*:

That the corporate limits of the Town of Middletown, in the County of Butler, shall be so extended as to include the territory comprised within the following boundaries to-wit: So as to be bounded on the north by section number twenty-nine, in township two, range four, between the Miami rivers, commencing on the bank of the Great Miami river, where section twenty-eight and twenty-nine corners; thence east to the road leading from Middletown to Dayton at the head of Main street; thence along said road to Miami canal; thence along the western bank of said canal to a point opposite to Second street in Iglehart's addition; thence bounded by Iglehart's addition north and east, and on the south by the half section line of section twenty-eight to Main street; thence parallel with the town plat of the Town of Middletown to the Great Miami river; thence along the meanders of said river to the place of beginning.

SECTION 2. That all the lots hereinafter laid off as additions to the plat of the said Town of Middletown and included within the limits prescribed by the first section of this act, shall be considered as being within said corporation.

SECTION 3. That the Mayor and Members of the town council of the Town of Middletown, shall be entitled to receive fifty cents each, for each and every meeting of said town council, for the transaction of business of a public nature, and connected with their official duties which sum shall be paid out of the funds belonging to said Town of Middletown, in the same manner as prescribed for in case of other appropriations.

AN ORDINANCE to annex certain continguous territory, therein described, to the municipal corporation of Middletown.

SECTION 1. *BE IT ORDAINED by the council of the incorporated village of Middletown, Ohio*:

That the said above easterly mentioned territories which are described and contained within the following limits to-wit: Commencing at the point on the Great Miami river where the present south corporation line of said village strikes said river; thence southwardly with the meanderings of the said Great Miami river to the southwest corner of fractional section No. 34 and 28 to a point where said section line of section No. 38 crosses the present dividing line running north and south between the land of Daniel C. Doty and lands of H. D. Doty; thence north on said dividing line running to the northeast corner of said lands of Daniel C. Doty; thence east with the east line of section No. 28 to the present corporation line; thence west with the meanders of the present corporation line to the place of beginning.

Also territory contained within the following limits, to-wit: Commencing on the east line of section No. 28 at the southwest corner of a lot 7 and 20-100 acres of land owned by Daniel Snyder, in section No. 22; thence east to the turnpike road leading from Middletown to Blue Ball; thence northwesterly along said turnpike road to the present corporation line; thence west and south with the corporation line to the place of beginning.

Also the territory contained within the following limits, to-wit: Commencing at the northeast corner of section No. 28; thence north on the east line of section No. 29 to the north bank of the Middletown hydraulic race; thence southwardly along the north bank of said hydraulic race to a point forty rods north of the north section line of section No. 28, thence west parallel with said north section line of section No. 28 to the Great Miami river; thence southeastwardly down with the meanders of said Great Miami to the present corporation line and to the place of beginning.

Be and the same are hereby annexed and included in and constitute a part of the municipal corporation of the incorporated village of Middletown, Butler County, Ohio, and the inhabitants residing therein shall have and enjoy all the rights and privileges of the inhabitants residing within the original limits of the corporation of the said incorporated village of Middletown.

This ordinance to take effect and be in force from and after its publication. (Feb. 16. 1871.)

AN ORDINANCE to authorize the annexation of certain territory in Lemon Township to the City of Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*: That as the inhabitants of such City generally desire to enlarge the corporate limits of said City, by the annexation of the following contiguous territory, viz: Commencing at a point on the section line dividing sections twenty-three and twenty-nine where the present established corporation line intersects the north side of the Miami and Erie canal; running thence north eastwardly along the north side of said canal to the southwest corner of lands deeded by A. S. WRENN et al., to R. R. REYNOLDS; thence eastwardly with the north side of said Reynold's lands thirteen hundred feet to the center of Middletown and Germantown turnpike; thence southwardly in the center of said pike to a point twelve feet south of the face of the south abutment of the bridge crossing the canal aforesaid; thence south 44 minutes east, twenty-five hundred and fifty-three (2,553) feet through the lands of Colin Gardner and to the southwest corner of said Gardner's lands; thence northwest 86 degrees 47 minutes west, forty-four hundred and three-tenth (4,400.3) feet to the northwest corner of lands of Phebe Wicoff; thence south 2 degrees 13 minutes west, ten hundred and seventy and seven-tenths (1,070.7) feet to the north side of lands owned by J. R. Shaffor; thence south 86 degrees 39 minutes east, along north line of said J. R. Shaffor's lands, fifteen hundred and twenty-one and five-tenths (1,521.5) feet; thence south 2 degrees 54 minutes west, forty-nine hundred and eight (4,908) feet, said last described line being a continuation north and south of the east side of Bellmont division thence north 86 degrees 45 minutes west, through the lands of Simon Goldman and along the south side of the lands of Rhoda Wicoff and south side of Wicoff's sub-division forty-two hundred and ninety-three (4,293) feet to the section line dividing sections 21 and 27; thence south on said section line thirteen hundred and sixty-six (1,366) feet to the south-east corner of Sorg and Jacoby's sub-divisions thence north 86 degrees 12 minutes west, forty-three hundred and nine and seven-tenths (4,309.7) feet along the south side of said sub-division, and to the west bank of the Miami and Erie canal; thence northward with the meanderings of said canal fifteen hundred and ninety-five (1,595) feet to the south-east corner of lands of W. and L. Sebald; thence north 49 degrees west, one hundred and twenty-four (124) feet to the south line of lands of Wilson & McCallay; thence west nineteen hundred and eighty-six (1,986) feet to the Miami river; thence northward with said river to its intersection with the present south corporation line; thence with said corporation line east and north to the place of beginning; therefore the annexation of the above described territory, be and the same is hereby authorized and the City Solicitor be and the same is hereby authorized to prosecute the proceedings necessary to effect such annexation.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law. (May 13, 1892.)

To authorize the annexation of certain territory.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That the annexation of the following described territory, to-wit:—

Description of Territory annexed.

"Commencing at a point on the south line of what is known as the Coles Road, in Lemon Township, Butler County, Ohio, and on the east line of Section 22, Town 2, and Range 4, between the Miami Rivers, in Lemon Township, Butler County, Ohio; thence south along the east line of said Section 22, 1,423.9 feet to the northeast corner of lands owned by Mary Keuping and others; thence west along the south line of lands owned by The Middletown Hospital Association and The Middletown Realty Company, 1,235.6 feet to the present corporation line of the City of Middletown; thence north along the present corporation line of the City of Middletown, 1,417.8 feet more or less, to the south line of said Coles Road in said Township; thence east along the south line of said Coles Road, 1,228.2 feet to the place of beginning" to the City of Middletown, State of Ohio, be and the same is hereby authorized.

Directions to City Attorney.

SECTION 2. That the City Attorney of the City of Middletown, be and the same is hereby authorized and directed to prosecute the necessary proceedings to effect such annexation.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 368; Apr. 23, 1915.)

ORGANIZATION AND ADMINISTRATION.

To designate the place and time for holding legislative sessions and administrative sessions of the City Commission of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Place for holding sessions.

SECTION 1. That the place for holding all legislative and administrative sessions of the City Commission shall be and the same is hereby fixed as the City Hall of said City.

Time of administrative and legislative sessions.

SECTION 2. That administrative sessions of the City Commission shall be held on Friday of each week and the legislative session of the City Commission shall convene on Friday of each week immediately following the adjournment of the administrative sessions.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk 3, Page 17; Jan. 8, 1914.) (Amend. Ord. Bk. 3, Page 58; March 20, 1914.)

To declare and establish the positions or offices within the City of Middletown, Ohio, as Heads of Departments.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

What officers are heads of departments.

SECTION 1. That persons holding the positions or offices in said City of Middletown, Ohio, known and designated as Clerk, Treasurer, Auditor, Attorney, Civil Engineer, Chief of the Fire Department, Chief of the Police Department, Superintendent of Streets, and Superintendent of the Water Works be and they are hereby declared to be Heads of Departments.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 11; Jan. 8, 1914.)

To require certain officers and employes of the City of Middletown, Ohio, to furnish bond for the proper performance of their duties in some indemnity or surety company authorized to do business in the State of Ohio, and to provide for the payment of the premium thereon from the City Treasury.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Surety bonds.

SECTION 1. That before any person shall enter upon the performance of the duties required of any of the following named offices or employments, he shall first file with the Clerk, and to the approval of the City Commission, a bond for the faithful performance of his duties in an amount herein stated and set opposite the name of the office or employment, which said bond shall be properly executed by some indemnity or surety company authorized to do business in the State of Ohio, as follows:—

Offices and amounts.

Clerk	$ 5,000.00
Treasurer	20,000.00
City Civil Eng.	1,000.00
Water Works Eng.	1,000.00
Each patrolman, detective and police officer	1,000.00
Superintendent of Streets	1,000.00
Auditor	$10,000.00
City Attorney	1,000.00
Water Works Supt.	1,000.00
Police Chief	1,000.00
Chief of Fire Department	1,000.00

Payment of premium.

SECTION 2. That the premium on all bonds as above enumerated shall be paid out of the general fund of the City treasury upon the order of the City Commission.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 8, page 2; Jan. 8, 1914.)

To prescribe the duties and to fix the salary and bond of the Clerk of the City Commission of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Duties of Clerk.

SECTION 1. That the duties of the Clerk of the City Commission shall be to meet with the City Commission at all times and to act as the Clerk thereof; to have the management and control of all matters pertaining to the Sinking Fund under the direction of the City Commission; to have charge of and to enforce the collection of all water rates; to issue all permits and licenses authorized to be issued and to collect and receipt for all proper fees therefor; to represent the City Commission in the purchase of material needed by the City; to act as Clerk of the Municipal Court and to perform the duties thereof as prescribed in Section 5, of Article 5, of the Charter and to perform all such other duties as the City Commission may from time to time prescribe; to receive and refer to the City Commission any and all correspondence and all matters requiring its attention and to carry into effect all the directions of the City Commission.

SECTION 2. That the salary of said Clerk shall be and the same is hereby fixed at eighteen hundred dollars per year, payable in equal monthly installments, and said salary shall be in full payment of and compensation for all the duties required by him by Section 1, hereof. Salary.

SECTION 3. That the bond of said Clerk shall be and the same is hereby fixed at five thousand dollars. Bond.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 10; Jan. 8, 1914.)

To prescribe the duties and fix the salary and the bond of the Auditor of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio, in pursuance of the Charter of said City, as follows:—

SECTION 1. That the duties of the Auditor of said City shall be as prescribed in Section 7, of Article 3 of the Charter of said City and further that he shall perform such duties pertaining to the business of the said City as shall from time to time be prescribed by the City Commission or the Clerk and he shall at all times co-operate with and be under the supervision of the Clerk. Duties of Auditor.

SECTION 2. That the salary of the Auditor of the City of Middletown be and the same is hereby fixed at $1,500.00 per annum, payable in equal monthly installments and said salary shall be in full payment of and compensation for all duties required of him by Section 1 of this ordinance. Salary.

SECTION 3. That the bond of said Auditor shall be and same is hereby fixed at ten thousand dollars, ($10,000.00). (Ord. Bk. 3, Page 12; Jan. 8, 1914), (Amend. Ord. Bk. 3, Page 193; July 17, 1914). Bond.

To prescribe the duties and fix the salary and bond of the Treasurer of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Duties of Treasurer.

SECTION 1. That the duties of the Treasurer of said City shall be as prescribed in Section 6, of Article 3, of the charter of said City.

Salary.

SECTION 2. That the salary of said Treasurer shall be and the same is hereby fixed at five hundred dollars per annum, payable in equal monthly installments, and said salary shall be in full payment of and compensation for all the duties required of him by Section 1, of this ordinance.

Bond.

SECTION 3. That the bond of said Treasurer shall be and the same is hereby fixed at twenty thousand dollars, ($20,000.00).

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 11; Jan. 8, 1914.)

To prescribe the duties and fix the salary and bond of the City Attorney of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Powers and duties of City Attorney.

SECTION 1. That the powers and duties of the City Attorney shall be as set forth in Section 9, of Article 3, of the Charter of said City.

Salary.

SECTION 2. That the salary of said City Attorney shall be and the same is hereby fixed at one thousand dollars ($1,000.00) per annum payable in equal monthly installments and said salary shall be in full payment of and compensation for all the duties required of him by Section 9, of Article 3, of the Charter of said City other than his duties as Prosecutor in the Municipal Court, said City Attorney is hereby authorized to accept such compensation as the County Commissioners of Butler County, Ohio, may agree to pay therefore.

SECTION 3. That the bond of said City Attorney shall be and the same is hereby fixed at one thousand dollars, ($1,000.00). Bond.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 13, Jan. 8, 1914.)

To define the duties and fix the salary and bond of the City Engineer of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That the powers and duties of the City Civil Engineer shall be to have charge of and control over the design and construction, repair and maintenance of all public works and property and to perform the duties of his office under the direction of the City Commission and to perform all such duties not incompatible with the nature of his office as the City Commission may from time to time direct. Powers and duties of City Engineer.

SECTION 2. That the salary of said City Civil Engineer shall be and the same is hereby established at eighteen hundred dollars ($,800.00) per year, payable in equal monthly installments and said salary shall be in full payment of and compensation for all the duties required of him by any ordinance or direction of the City Commission. Salary.

SECTION 3. That the bond of said City Civil Engineer shall be and the same is hereby fixed at one thousand dollars, ($1,000.00.) Bond.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 7; Jan. 8, 1914.)

To define the duties and establish the amount of salary and amount of bond to be furnished by the Water Works Superintendent of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Duties of Superintendent of Water Works.

SECTION 1. That it is hereby declared to be the duty of the Water Works Superintendent to have full charge and control, under the direction of the City Commission, of the mechanical and operative department of the Middletown, Ohio, Water Works Department and he shall perform such other duties with reference thereto as the City Commission may from time to time direct.

Salary.

SECTION 2. That the salary of said Water Works Superintendent shall be and the same is hereby established to be twelve hundred dollars per year, payable in equal monthly installments out of the treasury and said salary shall be in full payment of and compensation for all the duties that may be required of him under this ordinance or the direction of the City Commission.

Bond.

SECTION 3. That the bond of said Water Works Superintendent shall be and the same is hereby established at one thousand dollars.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 9; Jan. 8, 1914.)

To define the duties and establish the salary of Ass't. Engineer of the Water Works Utility of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Second Assistant Engineer's Duties.

SECTION 1. That the position of second assistant engineer of the Water Works of the City of Middletown, Ohio, is hereby created. Duties of such Assistant Engineer shall be defined in Article No. 4 of the Rules and Regulations of the Government of the Middletown Water Works, approved February 15, 1913, and now effective.

SECTION 2. That the salary of the second Assistant Engineer as herein created, shall be and the same is hereby fixed at Seventy Dollars ($70.00) per month, payable semi-monthly out of the City Treasury, and said salary shall be in full payment of and compensation for all the duties that may be required of him under this ordinance or the direction of the City Commission. Salary.

SECTION 3. That the salary of the First Assistant Engineer of the Water Works, shall be and the same is hereby fixed at Seventy Dollars ($70.000) per month, payable semi-monthly out of the City Treasury, and his duties shall be as set out in Article No. 4 of said Rules and Regulations above referred to. First Assistant Engineer Salary.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 466, October 22, 1915.)

To define the duties and fix the salary and bond of the Superintendent of Streets of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That it shall be the duty of the Superintendent of Streets, under the authority and direction of the City Civil Engineer and of the City Commission, to have the care, supervision and control of public highways, streets, avenues, alleys, sidewalks, public grounds, and bridges within the corporation, and shall cause the same to be kept open and in repair and free from nuisance. Duties of Superintendent of Streets.

SECTION 2. That the salary of said Superintendent of Streets shall be and the same is hereby fixed at one thousand dollars per annum, payable monthly in equal installments, and said salary shall be in full payment for all of the duties that may be required of him under this ordinance or the direction of the City Commission. Salary.

Bond.

SECTION 3. That the bond of the said Superintendent of Streets shall be and same is hereby fixed at one thousand dollars ($1,000.00).

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 8; Jan. 8, 1914.)

To fix the salary of the Humane Officer of the City of Middletown, State of Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Salary.

SECTION 1. That the salary of the Humane Officer of the City of Middletown, Ohio, be and the same is hereby fixed at Seventy-five Dollars ($75.00) per month, excepting for the months of September and October in the year 1914 the salary is hereby fixed at $100.00 per month, payable monthly out of the City Treasury.

SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 206; Aug. 7, 1914.)

ADVERTISING AND BILL POSTING.

To license and regulate bill posting, bill distributing and general advertising.

Bill posting, distributing, etc., must be licensed.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown, Ohio,* that it shall be unlawful for any person, company, or corporation to engage in or carry on the business of bill posting, painting or posting signs for advertising matter of any kind, tacking cards and advertising matter of any kind or compound which has not been manufactured or compounded within the corporated limits of Middletown, Ohio, without first having obtained a license from the Mayor of said City so to do.

License fee.

SECTION 2. Before issuing such license the Mayor shall demand and receive from the person applying therefore, the sum of twenty-five dollars and upon payment of such sum of money it shall be the duty of the Mayor to issue to such person a license for the period of one year from the date thereof, and express authority is hereby given to the Mayor to grant and issue such license and revoke the same.

Term of license.

No license necessa for local merc ants.

SECTION 3. Nothing in this ordinance shall be constructed to authorize the City by its Mayor to exact and receive a license fee from Merchants doing business in their City for advertising their own business.

Penalty.

SECTION 4. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars nor more than twenty-five dollars for each and every offense so committed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication according to law. (Ord. Bk. 11, Page 358; May 12, 1899.)

BUILDINGS.

To designate the person who shall act as and have the authority of Building Inspector of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Plumbing Inspecto to be the Buildin Inspector.

SECTION 1. That such person or persons as shall, from time to time, hold the office or place of Plumbing Inspector of said City under the authority and direction of the Board of Health of said City of Middletown, shall, without additional expense to said City, have all the authority and perform all the duties of Building Inspector under the ordinances and laws of said City and in all matters pertaining to his said duties as Building Inspector he shall report to the Clerk of the City Commission.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Ord. Bk. 3, Page 6; Jan. 8, 1914.)

AN ORDINANCE establishing a Building Code.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:—

Provisions of Code.

SECTION 1. *Title.* The following provisions shall constitute and be known as the Building Code, and provides for all matters concerning, effecting or relating to the construction equipment, alteration or repair of buildings or structures erected or to be erected in the City of Middletown, Ohio.

Duty as to inspection.

SECTION 2. *Inspection of work under construction.* It shall be the duty of the Director of Public Safety to inspect all buildings which may be in the course of erection, construction or alteration, within the limits of the City of Middletown and to see that said building or buildings are being erected, constructed or altered according to the provisions of this code and all acts and ordinances in force in said City and to observe the manner adopted for the security thereof against fire and the safety of occupants, to see that the materials used are suitable for the purpose and that it is of sufficient strength and solidity for the purpose for which it is designed. If it is deemed necessary by the Director of Public Safety, his visits and inspection shall be repeated from time to time during the erection, construction, or alteration of such building or buildings until the same shall have been completed when his duty shall terminate. He shall on application for that purpose furnish the owner or owners, contractor or contractors, his certificate that the said building is in all respects conformable to law and properly constructed.

Certificate of inspector.

Submission of plans for erection or alteration of building.

It shall be unlawful for any person to erect, construct or build, or cause to be erected, constructed or built any frame, brick, iron, granite, marble, concrete or stone house or building, or any house or building composed partly of brick, frame, iron, granite, concrete or stone or to alter any such building so as to make it substantially a new building without first submitting plans or sketches and specifications for the same to the Director of Public Safety and his stamp or seal of approval placed thereon and same shall be inspected from time to time by the Director of Public Safety and a certificate of inspection furnished the owner.

Certificate of inspection.

No building permit for any class of building whatsoever will be issued without a certificate of inspection of plans, sketches, and specifications by the Director of Public Safety.

SECTION 3. *Information furnished by the Director of Public Safety.* The Director of Public Safety shall when requested furnish preliminary information relative to the application or interpretation of any of the provisions of the various sections of this code, when the same is needed in the preparation of plans or sketches.

Duty to inspect.

SECTION 4. *Unsafe and Unsanitary Buildings.* It shall be the duty of the Director of Public Safety to inspect any or all buildings or structures reported or believed to be unsafe or in an unsanitary condition and if so found to require the same to be put in safe and sanitary condition without unnecessary delay.

Record of permits.

Monthly report.

Yearly report.

SECTION 5. *Report of Work Done.* It shall be the duty of the Director of Public Safety to keep a record of all permits issued, which shall be regularly numbered in the order of their issue, and also a record of the statements upon which permits are issued. He shall also file a report with the Mayor on or before the 10th day of each month for the calendar month preceding, showing the number of permits issued and the money received within such month. He shall also keep a record and report to the City Council on the 31st day of December of each year, a full and complete description of every building erected in the City during that year of what material constructed, with the aggregate number and cost of such building.

Permit required.

SECTION 6. *Preliminary Requirements. New Buildings to Conform to Code.* No wall, structure, building or part thereof shall hereafter be built or constructed in the City of Middletown, Ohio, except in conformity with the provisions of this code or without a building permit issued by the Director of Public Safety, he shall cause a license fee to be paid to him at the rate of one dollar per one thousand dollars or fraction thereof of the estimated cost of such wall, structure, building or part thereof. Such license fees collected by the Director of Public Safety shall be deposited to the credit of the Safety Fund of the City of Middletown, Ohio.

License fees.

Alterations to Buildings to Conform to Code. No building already erected or hereafter to be built in said City shall be raised or altered, moved or built upon in any manner that would be in violation of any of the provisions in this code or without a building permit issued by the Director of Public Safety.

Permit required.

SECTION 7. *Foundation walls for all buildings shall be built of Stone, Brick or Concrete.* All brick and stone foundations must be 4 in. thicker than the wall next above them, and have a concrete footing course where necessary, to carry the load intended, said footing course is to extend beyond the foundation wall on both sides, excepting such foundations which are built on the property line, in which case the footer shall extend to the inside of the wall and beyond side of same twice the distance required for footer which extends on both sides or wall. No foundation wall or footer, of brick, stone or concrete to be started a depth less than 18 in. below the grade of the lot.

Foundations.

Building specifications for foundation walls.

Depth of foundations.

Concrete walls for buildings other than the light residence class are to have footing courses and are to be figured sufficiently strong to carry the weight and load intended, the strength of all such walls is to be figured and estimated by the Building Inspector or the Director of Public Safety or an engineer.

Concrete walls for other than light residence class.

Concrete foundation walls for light frame residences where the length of the wall does not exceed 32 feet in length without abuting walls or side supports and not more than 8 feet high from the top to the bottom, may be 8 inches in thickness, but these walls must have a footing

Foundations for light frame residence class.

course of concrete 4 inches, wider on each side of the foundation wall and 6 inches thick.

Independant and supporting walls.

SECTION 8. *Independent Walls and Supporting Walls.* For buildings hereafter erected in the warehouse class, including stores, offices, public assembly, factory or public buildings, the minimum thickness of all independent surrounding dividing or supporting walls in the same, carrying the loads of floors and roofs shall be made in accordance with the following table:

Warehouse Class—Brick Walls. Minimum thickness in inches.

BASEMENT.

Height.	Stone.	Brick.	Stories.							
			1	2	3	4	5	6	7	
1 story	20	16								
2 stories	20	16	12							
3 stories	20	16	12	12						
4 stories	24	20	16	12	16	12				
5 stories	28	24	20	16	16	16	16			
6 stories	32	28	24	12	20	20	16	16		
7 stories	32	28	24	24	20	20	20	16	16	16

All stone walls to be 4 inches thicker than required for brick walls. Walls built for party walls to be so used.

Party walls.

Walls heretofore built for or used as party walls whose thickness at the time their erection was in accordance with the requirements of the then existing laws but which are not in accordance with the requirements of this code, may be used if in good condition for the ordinary use of party walls, provided the height of same be not increased.

Height of stories fo given thicknesses.

Height of Stories. The height of stories for all given thickness of walls shall not exceed:

First story 16 feet in the clear.

Second story 14 feet in the clear.

Third story 12 feet in the clear.

Fourth and upper stories 11 feet in the clear, and if any story exceeds the foregoing heights, the walls of any such story shall be increased 4 inches in thickness and all walls below the same.

Brick residences.

Brick Residence Class. Brick walls for residences may be 9 inches in thickness for the first story above the basement where the length does not exceed 20 feet without side supports, or more than 10 feet in height between the first and second floor timbers. The second story walls may be 9 inches in thickness where the walls do not exceed 20 feet in length without side supports and 9 feet in height between the second floor and attic floor timbers, and walls must be tied to floor joist and ceiling joist every 4 feet with metal joist anchors.

Parapet walls.

SECTION 9. *Parapet Walls.* All exterior and division or party walls over 15 feet high, except where such walls are to be finished with cornices, gutters or crown mouldings, shall have parapet walls of brick not less than 8 inches in thickness and carried 2 feet above the roof.

Coping.

Coping. All such walls shall be coped with stone, terra cotta, cast iron or cement.

SECTION 10. *Frame Residence Class.* Scale of minimum sizes of framing materials.

Frame residences.

Specifications for foundation sills.

"Foundation sills to be either solid sills 4″x6″ or box sills constructed by laying a 2″x8″ bottom plate flat on wall on which spike not less than a 2″x8″ vertical member flush with outer edge of bottom plate. On sides where joist run at right angles to sill, the joist shall rest on bottom plate and vertical member to be spiked to end of same. Top plate to be same size as studding and spiked flush with outer edge of vertical member. The sides where joist run parellel with sill 2″x4″ cripple blocks are to be used between top and bottom plates 16″ on center and placed under the foot of each studding; no joist to be sized more than 2″ and where joists are weakened by cutting for heating, plumbing pipes, etc.; they shall be reinforced by headers; the joist under all stud partitions running length-wise of them to be doubled. All headers and trimmers where more than one tail joist is used, shall be doubled."

First floor joists up to 12 feet span between walls or supports 2″x8″x16″ on center.

First floor joist up to 14 feet span between walls or supports 2″x8″x14″ on center.

Size of floor joists.

First floor joist from 14 feet to 16 feet span between walls or supports 2″x10″x16″ on center.

First floor joist from 16 feet to 18 feet span between walls or supports 2″x10″x12″ on center or 2″x12″x16″ on center.

First floor joist from 18 feet to 20 feet span between walls or supports 2″x12″x16″ on center.

First floor joist from 20 feet to 24 feet span between walls or supports 2″x12″x12″ on center or 2″x14″x16″ on center.

The above scale of joist apply to all second and third floor joist.

Attic floor joists.

Attic floor joist up to 16 feet span between walls or supports 2″x8″x16″ on center.

Attic floor joist from 16 feet to 20 feet span between walls and supports 2″x10″ on center.

Attic floor joist from 20 feet to 24 feet span between walls or supports 2″x12″x16″ on center.

All ceiling joist with no floor over up to 18 feet span between walls or supports 2″x6″x16″ on center.

All ceiling joist with no floor over from 18 feet to 24 feet span between walls or supports 2″x8″x16″ on center.

All ceiling joist with no floor over from 24 feet and over between walls or supports 2″x10″x16″ on center.

Basement girders.

Basement girders 12 feet between supports 8″x10″ solid or built up.

Basement girders 12 feet to 16 feet between supports 8″x12″ solid or built up.

Basement girders 16 feet to 20 feet between supports 12″x14″ solid or built up.

All basement girders over 20 feet in length between walls or supports must be iron or steel eye beams.

All floor and ceiling joist must be cross bridged with 1″x3″ material, one row of bridging to each span 15 feet and under, two rows to each span over 15 feet and under up to 24 feet, and three rows to each span over 24 feet.

Size of studding in wall.

Studding in walls for residences with ceilings from 6 feet up to 10 feet, for the first and second floors to be 2″x4″ spaced 16 inches on center and for ceilings exceeding 10 feet between floor and ceiling joist for the first and second floors to be 2″x6″ spaced 16″ on center and cross bridged between each tier of joist.

Length of Rafters—Shingle Roof.

Length of rafters for shingle roof.

All spans up to 12 feet between suports 2″x4″x24″ on center.

All spans from 12 feet to 20 feet between suports 2″x6″x24″ on center.

All spans from 20 feet to 24 feet between supports 2″x8″x24″ on center.

Slate roof not plastered or shingle roof plastered on under side.

Slate roofs not plastered or shingle roof plastered on under side.

All spans up to 8 feet between supports 2″x4″x16″ on center; 8 feet to 16 feet 2″x6″x16″ on center.

All spans from 16 feet to 20 feet between supports 2″x8″x16″ on center.

Slate and tile roof rafters.

Slate roof plastered or tile roof not plastered on under side.

All spans up to 14 feet between supports 2″x6x16″ on center.

All spans from 14 feet to 20 feet between supports 2″x8″x16″ on center.

All spans from 20 feet to 24 feet between supports 2″x10″x16″ on center.

Asbestos Slate Roofs Not Plastered.

Asbestos roofs not plastered.

The size of rafters for the different spans between supports to be the same as for shingle roofs, but placed 20 inches on center.

Asbestos Roofs—Plaster on Under Side.

The size of rafters for the different spans to be the same as required for slate roofs not plastered.

Hip rafters for all kinds of roofs.

Hip rafters for all kinds of Roofs.

Up to 8 feet between supports 1 piece 2″x6″.

From 18 feet and over between supports 1 piece 2″x8″.

Valley rafters for shingle roofs.

Valley Rafters for Shingle Roofs.

Up to 16 feet between supports, two pieces 2″x8″.

From 16 feet up to 20 feet between supports, two pieces 2″x10″.

From 20 feet and over between supports, two pieces, 2″x12″.

Valley Rafters for Slate Roofs.

For slate roofs.

Up to 14 feet span between supports, two pieces, 2″x10″.

From 14 feet and up to 20 feet between supports, two pieces, 2″x12″.

From 20 feet and over between supports, two pieces, 2″x14″.

Porch and bay window rafters.

All porch and bay window rafters to be same size as mentioned above for house rafters.

Above scale applies to brick houses.

The above scale of materials applies to such materials as enters into the construction of brick houses as well as frame.

Roofs.

SECTION 11. *Roof Planking.* The planking and sheathing of all roof of buildings shall not in any case extend across the side of party wall thereof.

Dangerous buildings.

SECTION 12. *Dangerous Buildings.* All buildings in which the following conditions exist shall be deemed dangerous:

Leaning or buckled.

(a) Those which list, lean or buckle to such an extent that a plumb line drawn through the center of gravity falls outside of the middle third of the base of the structural parts supporting loads.

Percentage of damage or deterioration.

(b) Those which exclusive of the foundation show 33% of damage or deterioration of the supporting members or member, or 50% of damage or deterioration of the non-supporting enclosing walls or covering.

Overloaded floors.

(c) Those which have improperly distributed loads upon the floors or in which the floors are overloaded.

Destruction of buildings beyond repair.

(Repairs.) All defective or dangerous buildings shall be repaired and put in safe condition at once or if the deterioration is of greater per cent than given above and beyond the possibility of repair, then they shall be entirely removed. This deterioration to be determined by a committee of three, one appointed by the Director of Public Safety, one by the owner and one by the other two selected parties.

Owner or occupant must distribute load on floors.

(Distribution of Load.) The weight placed on any of the floors of any building during the erection or after its completion shall be safely distributed thereon. The Director of Public Safety shall require the owner or occupant of any building or portion thereof to distribute the load on any floor or to lighten such loads where he deems it necessary.

Permit for moving buildings.

SECTION 13. *Moving of Buildings. Buildings Moved Through Streets.* That it shall be unlawful for any person, firm or corporation to move any building within the limits of the City of Middletown, Ohio, on to, across or upon any of the streets or alleys without having first obtained a permit so to do from the Inspector of Buildings of said City, and after paying for such permit according to the following schedule, to-wit:

Fees for permit.

For any one-story frame building.............	$10.00
For any one and one-half-story frame building,	15.00
For any two-story frame building............	20.00
For any other character of building...........	25.00

Additional charge.

There shall be charged in addition to said above named fees the sum of $5.00 for each and every day in excess of three days that said building remains an obstruction on any of said streets or alleys. The Inspector of Buildings may, in each case where such license is issued make such rules for the protection of the public and travel as may be reasonable.

Authority of inspector.

Prohibited buildings.

(2) No building of any class which has deteriorated or has been damaged more than 33% of its original strength shall be moved through the streets or alleys of said City.

House movers licensed and bonded.

SECTION 14. *House movers to be licensed must give bond.* No person except a licensed house mover shall remove any building upon any street or public ground within the limits of the City excepting such person who annually before engaging in said occupation has maintained a license therefore from the Mayor for which he shall pay the sum of $10.00 per year, and no such license shall be granted until the party applying therefor has given bond in the sum of one thousand dollars)$1,000.00) with good and sufficient securities to be approved by the Mayor, conditioned among other things that said party will pay any and all damages which may happen to any trees, pavements, street, curb or sidewalk or to any public building or structure and all damages resulting to any person whomsoever, caused by the carelessness or negligence of the person so licensed or by his agent, employee, or workmen, while engaged in the removal of any building in the streets, alleys or public ways of said City; and conditioned also that said party so licensed will save and indemnify the City of Middletown, Ohio, against all liabilities, judgments, costs and expenses which may in any case accrue against said City in consequence of the granting of such permit or license and will strictly comply with the conditions of the permit.

Permit to state route.

(Permit stating route, conditions, etc.) Upon the execution of his bond to the acceptance of the Mayor of said City, a license shall be issued and the said licensed person or the owner of the building shall in each and every instance before removing any building, obtain a permit so to do from the Director of Public Safety of said City stating specifically all conditions, describing the route to be taken, the building proposed to be removed and the site to which the same is to be removed and limiting the time for the removal of any such building.

Red lights

(To be Guarded at Night with Red Lights.) Any person having such permission and license shall while engaged in the removal of any buildings and while occupying the streets, alleys and public ways for said purpose cause a red light to be placed in a conspicuous place in the front and rear of such building and obstruction, from dark until sunrise, each night during the time such building or obstruction remains in said streets, alleys or highways of said City.

Chimneys and supports.

SECTION 15. *Chimneys, etc.* (Chimney and flue supports.) No chimney shall be started or built upon any floor or beam of wood.

Corbeling.

Corbeling. In no case shall a chimney be corbeled out more than eight inches from the wall and in all such cases the corbeling shall consist of at least six courses of brick.

Piers supporting chimneys.

(Piers supporting chimneys.) Where chimneys are supported by piers the piers shall start from the foundation on the same line with the shimney breast and shall be not less than 12″ on the face, properly bounded into the walls.

Supports for chimneys cut off below.

(Supports for chimnyes cut off below.) When a chimney is to be cut off below in whole or in a part it shall be wholly supported by stone, brick, iron or steel.

(Unsafe Chimneys.) All chimneys which are deemed dangerous in any manner whatever, shall be repaired and made safe or taken down. Unsafe chimneys.

(Smoke Pipes and Breechings to be connected with flues.) All smoke pipes and all breechings to boilers, furnaces, stoves, ranges and fire places shall be properly connected with stacks or flues. Smoke pipes.

(Vent pipes for instantaneous water heaters.) All vent pipes for instantaneous water heaters where gas is burned must be run if possible to brick flues. Where this is not possible, pipes must be run outside of the building and where ceilings, walls, partitions or roofs are pierced approved patent ventilator thimbles must be used. Vent pipes.

(Smoke pipes through floors.) No smoke pipe shall pass through any floor or wood partition excepting with the use of approved patent ventilator thimbles. Smoke pipes thru floors.

(Smoke flues to be lined.) "In all buildings hereafter erected, every smoke flue shall be lined continuously on the inside from top to bottom with well burned clay or terracotta tile flue lining and be built of not less than four inches of brick on the outside of said lining. All necessary openings in the flue lining shall be made during the construction of same, and the openings in the flue lining shall be made before it is placed in position. To be lincd.

SECTION 16. *Electric Wiring.* All buildings wired for electricity for heat, light or power must be wired in strict accordance with the National Electric Code, a copy of which is on file at the office of the Director of Public Safety and a certificate of inspection or copy thereof shall be filed with the Director of Public Safety before he shall issue a certificate that said building is erected in all respects conformable to this code. Electric wiring.

SECTION 17. Any violation of this ordinance or part thereof shall be deemed a misdemeanor and shall be punished by a fine of not less than one dollar or more than five hundred dollars. Violation and Penalty.

SECTION 18. This ordinance shall take effect and be in force from and after its passage according to law. (Ord. Bk. 9, Pages 373-374-375-376-377-378-379; June 2, 1911.) (Amend. Ord. Bk. 9, Pages 387-388-389-390; June 24, 1911. (Amend. Ord. Bk. 3, Pages 211-212; August 21, 1914.)

AN ORDINANCE establishing a Fire Zone in the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

SECTION 1. The following provisions shall constitute and be known as the Fire Zone and provides for all matters concerning, effecting or relating to the construction, equipment, alteration or repair of buildings or structures erected or to be erected within certain boundaries as provided for in section 2 of this ordinance.

Boundaries.

SECTION 2. *Fire uone Boundaries.* The fire zone for the City of Middletown, Ohio, is bounded on the west by the Great Miami River, on the north by West and East Second Street east to Clinton, thence following Clinton Street south to East Fourth Street, and following East Fourth Street to Main Street and West Fourth Street to the Great Miami River, also including all lots facing or abuting on East Third Street from Clinton Street to the Big Four Railroad tracks.

Prohibiting frame buildings.

SECTION 3. *Buildings Within Fire uone.* Prohibiting the erection of frame buildings. The exterior or party walls of all buildings hereafter to be erected in or built within the limits of the fire zone described in Section two of this code must be built of brick, stone, concrete or other non-combustible materials, except as provided for by Section 10 of this ordinance.

Finish of walls.

All exterior, division or party walls over fifteen feet high excepting where such walls are to be finished with gutters or crown mouldings shall have parapet walls not less than eight inches in thickness and carried up not less than twenty-four inches above the roof of brick, stone, concrete or other non-combustible material.

All such walls shall be coped with stone, terra cotta, cast iron or cement. Coping.

All walls finished with gutters or crown mouldings shall have the same of metal, terra cotta or non-combustible materials.

SECTION 4. *Roofs.* The planking and sheathing of the roofs of all buildings shall not extend across or through to the outside of any wall. Roof planking.

Materials for Roofing. Every building within the limits of the fire zone, and the tops, sides, fronts, frames and sash of all dormer windows, frames and sash of all skylights must be roofed or covered with brick, tile, slate, tin, copper, iron, or fire resistive composition. Roofing.

No wood or other buildings within the Fire Zone which shall require re-roofing shall be roofed with any other material or manner than mentioned above. Re-roofing.

Nothing in this section shall be construed to prohibit the repairing of any shingle or non-fire resistive roof within the Fire Zone, provided the building is not altered in height, but this shall not be construed to permit of the removal of a shingle or non-fire resistive roof. Repairing shingle roof.

SECTION 5. *Chimneys or Flues.* Chimneys or flues for buildings within the Fire Zone shall be constructed as described in Section fifteen of Ordinance No. 374, entitled "An ordinance establishing a building code for the City of Middletown, Ohio, passed June 2, 1911." Chimneys or flues.

SECTION 6. *Moving of Buildings.* No buildings of any class shall be moved from one lot to another within the limits provided for in Section 2 of this ordinance unless it be of a class that meets with the requirements of a new building permissable to be erected in such district, and any Moving of buildings.

such building moved must be done in accordance with Sections 13 and 14 of an ordinance entitled "An ordinance establishing a building code for the City of Middletown, Ohio, passed June 2, 1911."

Light and vent shafts.

SECTION 7. *Light and Vent Shafts.* All light, vent shafts and elevator shafts hereafter erected or altered within the limits of the Fire Zone must have walls of brick, concrete or non-combustible material, except when the area of any such shaft does not exceed twenty-five square feet. The enclosing walls may be of such fire resistive material as may be aproved by the Director of Public Safety. All walls for such shafts mentioned above must extend above the roof not less than three feet.

Beams and timbers to be separated.

SECTION 8. *Beams and Timbers.* All wood beams and timbers of buildings hereafter erected or altered must be separated at the ends by at least eight inches of solid masonry from the timber entering the opposite side of the wall or from the outside of exterior walls.

Doors.

Shutters.

Skylights.

SECTION 9. *Doors, Frames and Sash.* The doors, frames and sash for that side of the building fronting on the street may be of wood, but doors, frames and sash of all kinds throughout the remainder of the building in the exterior or exposed walls must be constructed of metal or metal covered and glazed with wire glass excepting doors, frames and sash in private residences, same may be of wood glazed with ordinary glass. Where shutters are used same must be of metal or metal covered, residence shutters may be of wood. All openings in the roof for the admission of light must have metal frames and sash, or metal covered, and glazed with wire glass.

SECTION 10. *What Frame Structures May be Erected.* The provisions of this ordinance shall not apply to buildings and structures temporarily erected within the Fire Zone limit.

Temporary structures not included.

What are temporary structures.

Temporary structures shall be taken to mean and include platforms, stands, election booths, circus tents and such other structures as shall be determined temporary by the Director of Public Safety.

Sheds. Sheds of wood not over ten feet high, open at least one side, may be erected for the use of builders within the limit of lots whereon buildings are in the course of construction, or on adjoining vacant lots upon permits issued by the Director of Public Safety.

Sheds.

Such sheds shall not cover any area exceeding 2500 square feet and must be torn down immediately upon completion of building for which they are used.

Fences. Fences of wood shall not be erected over ten feet high above the surface of the ground and shall be securely supported and braced.

Fences.

Signs. No signs or bill boards over six feet square or containing over 36 square feet shall be constructed of wood or non-fire resistive material, and erected or placed on any ground, structure, post, frame work or building within the limits of the Fire Zone.

Signs and bill boards.

All spaces and places for advertising and the posting of bills must be constructed of non-combustible material.

Advertising signs.

SECTION 11. *Damaged Frame Buildings.* Every wood or frame building with or without brick or other fire-resistive front within the Fire Zone which may hereafter be damaged to an amount not greater than one-half of the value thereof, exclusive of the value of the foundation at the time of such damage may be repaired or rebuilt, roof to be rebuilt as described in Section 4 of this ordinance. But if such damage shall amount to more than one-half the value thereof, exclusive of the value of the foundation, then such building shall not be repaired or rebuilt, but shall be taken away.

Damaged frame buildings.

To determine the extent of such damage. In case the owner of such building is dissatisfied with the decision of the Director of Public Safety that a building is damaged

Extent of damage determined.

to the extent named above then the amount of the damage shall be determined by a committee of three competent persons, one of whom shall be appointed by the Director of Public Safety, one by the owner or owners of the damaged building or structure, and the other shall be appointed by the two parties previously chosen and a decision of a majority of these surveyors reduced to writing and sworn to shall be conclusive.

Such building shall in no manner be repaired or rebuilt until such decision shall have been rendered.

Picture shows.

SECTION 12. *Motion Picture Shows.* All motion picture shows or machines must be installed in accordance with ordinances and laws of the State of Ohio, a copy of which is on file at the office of the Director of Public Safety.

Dry cleaning houses.

SECTION 13. *Dry Cleaning Houses.* No dry cleaning house or business for the purpose of cleaning or dry dyeing by the use of carbon bi-sulphade, gasoline, naphtha, benzine or other light petroleum and coal tar products shall be located within the Fire Zone of the City of Middletown, Ohio.

Violation and Penalty.

SECTION 14. Any violation of this ordinance or part thereof shall be deemed a misdemeanor and shall be punished by a fine of not less than one dollar and not more than five hundred dollars; however, this ordinance shall not effect any building for which a permit has been issued, dated and signed by the Mayor previous to the passage of this ordinance.

SECTION 15. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 9, Pages 369-370-371-372; June 2, 1911.)

(Amend. Ord. Bk. 9, Page 391; June 24, 1911.)

AN ORDINANCE prescribing the conditions under which streets may be used for building purposes.

How much of street may be used for building purposes.

BE IT ORDAINED by the Council of the City of Middletown, that any person who is about to erect or repair any house in this City, or erect and repair any sidewalks, curb or gutter; it shall be lawful for such person to place in the street in front of the lot or land in which such building is to be erected, or where such repairs are being made, any lime-house, mortar-bed, lumber, brick, stone, sand and other material necessary to be used in the erection or repair aforesaid; provided that the same shall not occupy more than two-fifths of the width of the street between the sidewalks which said two-fifths of the width of such street shall be on the side next to such house about to be erected or repaired; and provided also, that neither any sidewalk shall be on the side next to such hdouse about to be erected nor the waterway in the gutter, shall be impeded or obstructed thereby, and if any person shall place or cause to be placed, any lime-house, mortar-bed, lumber, brick, stone, sand or building material of any kind in any street in this City, except within the limits and according to the provisions of this section.

Sidewalks and gutters must be kept open.

Penalty.

Such person so offending, on conviction thereof, shall be fined not less than five nor more than twenty-five dollars and pay the costs of prosecution.

Must place red lights at night.

All persons obstructing any street with any building material, lime-house, mortar-bed, brick, lumber, stone or sand, shall place upon each end of obstruction at night a red light in such manner as to show the amount of the street obstructed. Any person violating the provisions of this section shall upon conviction be fined in any sum not less than five nor more than twenty-five dollars and each night such red light is not placed as aforesaid shall constitute a separate offense.

Penalty for violation.

Permits—How obtained.

Any person before proceeding to erect or repair any building, when it is necessary to use any part of the streets of the City for the purpose of placing any material thereon must first procure a permit therefore from the Mayor, now the Director of Public Safety.

Penalty.

Any person violating the provisions of this section shall be fined upon the conviction thereof, in any sum not exceeding twenty-five dollars.

(April 21, 1892.)

BRIDGES.

AN ORDINANCE to appoint overseers of bridges — duties and compensation to be paid.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

How appointed.

That a suitable person shall be appointed by the City Council at its first regular meeting in May, annually, for the term of one year (unless sooner discharged) overseer for each turn or swing bridge crossing the Miami and Erie canal, within the corporate limits of the City where required by law.

Where stationed.

SECTION 2. One overseer of bridges or bridge watchman shall be stationed at the swing bridge crossing the canal at Second street in the city, and also one overseer of bridges shall be stationed at the swing bridge crossing the canal at Third street in the city.

Duties.

SECTION 3. The overseers of bridges are required to keep the bridges clean and free from rubbish and filth, and shall promptly report to the city commissioner all repairing which may be required, and shall carefully and properly open and close the bridge under his care and control to allow canal boats navigating said canal to pass the same, and each overseer of bridges shall protect the same and shall prevent fast driving over the same by any or all persons except the teams of firemen going to a fire, and shall keep the bridges free from obstructions caused by stopping of teams or persons loitering upon the same. Each overseer of bridges is required to make complaint before the Mayor of the city, against any person who may be found violating this ordinance or other ordinances of the city, passed for the protection of bridges. Such overseers shall be on duty from six and half A. M. to eight P. M. each and every day.

Compensation.

SECTION 4. The compensation and salary of the overseers of bridges shall be seven dollars per week, payable to him at each regular meeting of the City Council.

Bond.

SECTION 5. Each overseer of bridges appointed under this ordinance shall be required to become qualified by taking an oath or affirmation to honesty and faithfully discharge the duties of bridge overseer, within ten days after his appointment, and shall also enter into a bond in the sum of two hundred dollars, payable to the State of Ohio, with good security to be aproved by the Council. which bond shall be recorded by the clerk of the city.

SECTION 6. This ordinance shall be in force from and after its passage and publication according to law.

(May 11, 1888.)

AN ORDINANCE to protect the bridges within the City of Middletown.

SECTION. *BE IT ORDAINED by the City of Middletown*:

Riding or driving faster than a walk.

That whoever rides or drives faster than a walk, in or over any of the bridges within the City of Middletown, or drives on or over any such bridge more than twenty head of cattle at any one time, shall be guilty of a violation of law, and upon conviction thereof, shall be fined not more than ten nor less than one dollar and the costs of prosecution.

Penalty.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 14, 1893.)

To grant to the American Rolling Mill Company the right to construct a bridge or culvert across the waterway running from Curtis Avenue to the Miami and Erie Canal and to place a railroad switch thereon.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown* that the right be and the same is hereby granted to the American Rolling Mill Company to construct a railroad switch from the real estate owned by it north of the waterway leading from Curtis Avenue to the Miami and Erie Canal to the real estate owned by it south of said waterway and for that purpose is hereby granted permission to construct a bridge or culvert across said waterway. The said crossing to be made at a point about two hundred and thirty-three feet west of Curtis Avenue.

SECTION 2. Said bridge or culvert shall not in any way interfere with the flow of the water from Curtis Avenue to the canal and shall be constructed under the supervision of the Street Committee of the City Council.

SECTION 3. The American Rolling Mill Company shall at all times hold the City of Middletown harmless from any claim or claims for damages arising out of the construction or maintenance of said bridge, or culvert, across said waterway.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law. (Ord. Bk. 11, Page 503; March 28, 1902.)

CATTLE AND ANIMALS RUNNING AT LARGE.

To prohibit cattle and other animals from running at large.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Cattle and animals running at large.

That it shall be unlawful for any person, firm or corporation, being the owner or having charge of any horse, gelding, mare, mule, bull, ox, steer, cow, heifer, goat, sheep, dog, any animal of the swine kind, or any fowl to suffer or permit the same to run at large in or upon any of the streets, alleys, commons or uninclosed lots within the City Middletown, Ohio.

Feeding on sidewalks.

SECTION B. It shall be unlawful for any person, being the owner or having charge of any horse, cow, hog, or any other domestic animal to feed the same on any of the sidewalks within the city.

SECTION 3. Any person violating any of the foregoing sections of this ordinance shall, upon conviction thereof before the Mayor, be fined any sum not exceeding five dollars and the costs of prosecution. Penalty.

SECTION 4. It shall be the duty of the marshal and the police to take up and impound, or cause to be taken up and be impounded, any animals mentioned in this ordinance found running at large, and to notify the owner thereof if known within twenty-four hours after the same are taken up, or if the owner thereof be unknown, by publication in some newspaper of general circulation in said city. The said notice to be served upon the owner of the animal impounded or published as aforesaid when the owner is unknown, shall contain a description of such animal and shall state that unless the said property is claimed and the fees and expenses of impounding, advertising and keeping the same are not paid within three days after the service of said notice, such animals will be advertised and sold to pay such fees and expenses. Duties of police to impound. Notice.—What to contain.

SECTION 5. It shall be the duty of the marshal and police upon being informed, that any animal is running at large contrary to the provisions of this ordinance, to make diligent search for the same, and when found so at large to take up and impound the same. Duty of police.

SECTION 6. For taking up and impounding the animals as aforesaid, the marshal shall be entitled to charge and receive from the owner thereof the following fees or penalties, viz: For each goat, sheep, goose, hog or swine the sum of twenty-five cents, and for each of other animals mentioned in this ordinance the sum of fifty cents, and in addition thereto, said marshal shall be entitled to charge for keeping and feeding such animals the sums following, viz: For each head of horses, mules, asses or cattle, the sum of forty cents; for each head of swine, goat or sheep, the sum of twenty-five cents; for each goose the sum of ten cents; Fees for impounding.

for each and every day the same may have been kept and fed at such pound, and no animal shall be released until all the penalties and charges thereon shall be fully paid.

Advertisement and sale.

SECTION 7. If the owner of any animal impounded under the provisions of this ordinance shall not, within three days after the service or posting of notice as aforesaid, claim said property and pay all penalties and charges thereon, the marshal shall advertise the same for sale in a daily newspaper printed in said city, and on the day and at the hour named in said advertisement, at the pound, proceed to sell said animal at public auction, and apply the proceeds of said sale as hereinafter provided.

Records to be kept.

Proceeds to be paid to owner or to city treasury.

SECTION 8. It shall be the duty of the marshal to keep in a suitable book or books, to be furnished for that purpose by the city, in which shall be entered a description of all animals impounded under the provisions of this ordinance with the names of the owners thereof, when known, the date of impounding, the release or sale, the amount of all penalties and charges collected, and in every case of sale the sum realized therefrom, which sum shall, after payment of the penalties and charges above provided for, be paid to the owner of the animal sold, when known, and when said owner is unknown the same shall be paid into the city treasury to the credit of the general expense fund.

Interference with police—How punished.

SECTION 9. Any person who shall in any manner interfere with or obstruct the marshal or police in the performance of their duties, or who shall break any pound or release or attempt to release any animal impounded by or in the custody of said officer, shall be deemed guilty of an offense, and on the conviction thereof, shall be fined in any sum not exceeding twenty-five dollars, or be imprisoned not exceeding ten days, or both, at the discretion of the Mayor.

SECTION 10. This ordinance shall take effect and be in force from and after its passage.

(Feb. 15, 1893.)

(Amend. Ord. Bk. 3, Page 344; March 24, 1915.)

CIVIL SERVICE.

AN ORDINANCE fixing the salaries of the members of the Civil Service Commission.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the salary of each member of the Civil Service Commission of the City of Middletown, State of Ohio, be and the same is hereby fixed in the sum of twenty-five dollars per month, payable quarterly. Salary.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law. (Aug. 1, 1910.)

(Ord. Bk. 9, Page 186; July 8, 1910.)

Fixing the fees to be paid the examiners of the applicants for position under the Civil Service of the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the fee of all examiners of applicants for positions under the Civil Service be and the same is hereby fixed in the sum of two dollars ($2.00) to be paid to such said examiners upon the examination, either mental or physical, or any said applicants. Fees of examiners.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

This ordinance is hereby declared to be an emergency measure and shall take effect immediately.

(Ord. Bk. 8, Page 198; March 11, 1913.)

DOGS.

Requiring permits to be secured by persons owning or harboring animals of the dog kind, establishing the price to be paid therefor and affixing the penalty for violation thereof.

BE IT ORDAINED by the City Commission of the City of Middletown, Ohio:

Running at large.

SECTION 1. That it shall be unlawful for any person owning or harboring any animal of the dog kind to suffer or permit such animal to run at large in any of the streets or alleys of the City of Middletown.

Permit to be obtained.

Fees for license.

Term of license.

SECTION 2. Any person owning or harboring any animal of the dog kind shall obtain a permit from the City Auditor therefor and shall pay a fee of one dollar for any male animal and two dollars for any female animal, which fee shall be paid into the city treasury to the credit of the Safety Fund. Such permit shall continue in force until the first day of January next ensuing after date of issue.

Issuance of permit.

Duty of city Auditor.

Refusal.

SECTION 3. It is hereby made the duty of said auditor to issue a permit on application and the payment of the proper fee and to deliver to such applicant for license a metal tag with a number thereon to be designated by the auditor, which said metal tag shall be worn at all times about the neck of such animal described in the application for permit; provided that said auditor may, in his discretion, refuse to issue a permit for any dog apt to be dangerous if at large.

Seizure of dogs.

Release or disposal.

SECTION 4. It is hereby declared to be the duty of any police officer of said city to seize and impound any dog found running at large. If the dog so impounded shall be properly furnished with a tag when seized, it shall be held for a period of twenty-four hours unless sooner claimed by the owner or harborer thereof. If not claimed within such period of time it may be sold, if saleable, and if not saleable, shall be killed.

Destruction of vicious dogs.

SECTION 5. It shall be lawful for any police officer of said city to kill at any time any animal of the dog kind that are known to be dangerous or vicious or that are permitted or suffered to run at large within the city.

SECTION 6. Any person who shall allow any animal of the dog kind habitually to remain and be lodged and be fed within his or her house, store or inclosure, shall be considered as harboring the same within the meaning of this ordinance.

Meaning of "harboring."

SECTION 7. Any person violating any of the provisions of this ordinance shall, on conviction, be fined in any sum not exceeding fifty dollars.

Penalty.

This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 3, Page 265; Nov. 20, 1914.)

To prevent dogs from running at large within the city limits.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That it shall be unlawful for any person or persons to own or harbor any dangerous or vicious dog, and every person who shall allow any dog habitually to remain or lodged or fed within his or her premises, shall be considered as harboring the same within the meaning of this ordinance.

Dangerous and vicious dogs.

SECTION 2. It shall be unlawful for any owner or keeper of any dog, to permit the same to run at large and unattended within the corporate limits of the City of Middletown.

Permitting dogs to run at large.

SECTION 3. Any person violating any of the provisions of the preceding sections shall be guilty of a misdemeanor and be fined in any sum not more than ten dollars and the costs of prosecution.

Penalty.

SECTION 4. Whenever the City Council shall apprehend that the disease of hydrophobia is in danger of be-

Hydrophobia.—Duty of Mayor.

coming prevalent in the city, they may, by resolution or otherwise, direct the Mayor to issue his proclamation, ordering and requiring every person owning or harboring any animal of the dog kind, to confine the same within five days after date thereof, by good and sufficient means, to the house, out-house or inclosure where such person may reside, during a term not exceeding sixty days next ensuing the date of such proclamation, and upon the issuing of such proclamation by the Mayor, it shall be the duty of every person owning or harboring any animal of the dog kind, to confine the same to his or her house, out-house, store, yard, or inclosure during the time specified in such proclamation, in order that such animals may be prevented from biting or being bitten by other animals. Every person owning or harboring any animal of the dog kind, who shall neglect or refuse to comply with the requirements of such proclamation, upon conviction thereof, shall be fined any sum not exceeding twenty dollars nor less than five dollars with costs of prosecution.

Duty of owners after proclamation.

Penalty for violation.

Persons allowed to kill dogs running at large.

SECTION 5. It shall be lawful for any person to kill any animal of the dog kind found running at large within the said city within the time specified in the proclamation of the Mayor as aforesaid; and it shall be the duty of the marshal and of the other officers and members of the police force to cause all such animals so running at large, in contravention of such proclamation as aforesaid, to be destroyed.

Duty of police.

And the marshal shall make a report to the council at the end of the time specified in the proclamation of the Mayor of the number of dogs destroyed by his order, under the provisions of this section of this ordinance.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Feb. 10, 1888.)

CITY EMPLOYEES.

AN ORDINANCE fixing the salary of inspectors and laborers for the City of Middletown.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the salary for inspectors for the City of Middletown, Ohio, be and the same is hereby fixed in the sum of three dollars and fifty cents ($3.50) per day. Salary of inspector.

SECTION 2. That the minimum wage for laborers in the employ of the City of Middletown be and the same is hereby fixed at two dollars per day. Wage for laborers.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 132; May 13, 1910.)
(Amend. Ord. Bk. 3, Page 205; August 7, 1914.)
(Amend. Ord. Bk. 3, Page 279; Dec. 4, 1914.)

AN ORDINANCE providing for the payment of teamsters employed by the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows, to-wit:

SECTION 1. That teamsters employed by the City of Middletown, State of Ohio, shall be paid such sum of money per day as may be the current price paid to teamsters in the City of Middletown, Ohio, at the time such teamsters may be employed by said City of Middletown. Regulation of price.

SECTION 2. That the Director of Public Service shall ascertain what such market price may be, and such said teamsters be paid according to whatever current price said Director of Public Service shall designate. To ascertain market price.

SECTION 3. That this ordinance shall be in force and effect at the earliest period allowed by law.
(Ord. Bk. 9, Page 513; March 14, 1912.)

AN ORDINANCE fixing the compensation of stake drivers and chain men in the Engineering Department of the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, Ohio:

Salary for stake driver.

SECTION 1. That the salary of the stake driver of the Engineering Department of the City of Middletown, Ohio, be and the same is hereby fixed in the sum of $2.50 per day, for such days as he is actually employed in said department.

Salary for chain man.

SECTION 2. That the salary of the chain man of the Engineering department of the City of Middletown, Ohio, be and the same is hereby fixed in the sum of $2.00 per day, for such days as he is actually employed in said department.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 155; June 10, 1910.)

ENGINEERING LEVEL.

To establish a datum or engineering level for the City of Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Engineering level.

That the datum or engineering level for the City of Middletown shall from and after the passage of this ordinance be and the same is hereby established at an elevation of one hundred feet below the stone water-table at the southwest corner of the City Building, and that all levels that shall hereafter be taken shall take the said datum as a basis.

Levels placed in book.

The engineer shall place in the book called a bench-mark book, permanent levels in various parts of the city, based on said datum, the said book to be kept at the Mayor's office, and open to inspection at all times.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 14, 1893.)

EXCAVATIONS IN STREETS AND SIDEWALKS.

AN ORDINANCE to prevent cutting into or excavating into any sidewalk, street, or alley in the City of Middletown, State of Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Permit necessary.

SECTION 1. That no person, firm or corporation shall cut into or excavate from any sidewalk, street, alley or public way in the City of Middletown, without first securing a permit so to do from the Board of Public Service of the City of Middletown.

Application to be filed.

SECTION 2. Before any permit shall be granted, an application to cut into or excavate from any street, alley or public way of the City of Middletown, shall be filed with the Board of Public Service, which application shall state the object and purpose of cutting into or making any excavations, the place where the same shall be made, how long such excavation shall remain open and such other facts as the Board of Public Service may require.

Contents.

Terms and conditions for excavating.

SECTION 3. Such excavation shall only be made under such terms and conditions as the Board of Public Service may require, and the streets shall be restored to as good condition as it was in prior to excavating therefrom or cutting into any sidewalk, street or alley, and the surface of such street, alley or public way and the sidewalks, curbs and gutters constructed thereon, shall be kept in good order and condition for a period of two years from and after the restoration of said street, under the supervision of Board of Public Service of the City of Middletown, and to the satisfaction of the Board of Public Service of said city.

Supervision.

Bond.

SECTION 4. The person, firm or corporation making the application to cut into or excavate from any street, alley or public way, shall give a bond with sureties to the satisfaction of the Board of Public Service; that the terms and conditions of the granting of said application shall be fully complied with; that the streets, alleys or public way, so cut into, shall be restored reasonably and promptly, and the surface thereof kept in good condition as required by this ordinance and the rules and regulations of the Board of Public Service, and that the applicant will protect and save harmless the City of Middletown from all claims or claim for damages arising out of or connected with the making of such excavation for failure to restore the street in good condition.

To indemnify against loss.

Duty of policeman.

SECTION 5. It is made the duty of all police officers of the City of Middletown to enforce each and every part of this ordinance, and to promptly cause the arrest of any person or persons cutting into any street or alley without a permit from the Board of Public Service.

Penalty.

SECTION 6. Any person or persons violating any of the provisions of this ordinance shall upon conviction thereof before the Mayor be fined in any sum not less than $5.00 nor more than $100.00 and the costs of prosecution.

SECTION 7. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 10, Pages 315-316; Dec. 12, 1907.)

To regulate excavations in the streets, lanes, highways and alleys.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Excavations in streets prohibited without permit.

That no person or persons, company or corporation, shall in any manner, or for any purpose, tear up or dig into or excavate, or cause the same to be done, any street, lane, alley or highway in said city, until there has been issued to such person or persons, company or corporation, a permit as hereinafter provided; and such digging, tearing up or excavating shall be done according to the terms of such permit; but the provisions of this ordinance shall not apply to the street railroad companies in repairing their tracks, nor to property owners when planting shade trees or setting hitching posts; and provided further, that no more than one-half of any street, lane, alley or highway in said city shall be excavated in, tore up or dug into at any one time in cross-digging.

Exceptions.

SECTION 2. The Mayor shall issue said permits, to any person or persons or corporation entitled to dig, tear up or excavate as aforesaid, under the law, or under any city ordinance or resolution of council, and to no one else. He shall keep a record of all such permits so issued.

Mayor shall issue permits.

SECTION 3. Each permit shall particularly specify the person or persons, company or corporation, to whom the same is issued, what street, lane, alley or highway or part thereof, may be dug into, torn up or excavated in, and for what purpose, the time within which the same shall be done, which time shall not exceed ninety days from the date of such permit, and no permit shall contain the name of more than one street, lane, alley or highway.

Permit—What to contain.

SECTION 4. Any person or persons, company or corporation to whom any such permit is issued, shall leave the same with the person or persons in charge of the work to be done thereunder. Such permits shall be exhibited to the police officer demanding to see the same, and it is made the duty of every police officer, upon observing any work aforesaid in progress upon his beat, to examine the permit therefore. Upon refusal or inability of the person or persons in charge of such work to exhibit the permit or if the work is not being done according to the terms of the permit, the police officer shall at once stop further progress of such work, making arrest if necessary; provided that the provisions in regard to a permit shall not apply to cases where breakage occurs in any gas or water-pipe demanding immediate attention.

Permits to be left with persons in charge of work.

Shall be exhibited to police officer.

SECTION 5. When the earth is returned to any excavation made, as aforesaid, it shall be well puddled and rammed, and the surface of the street restored to its former condition as nearly as possible, both as to grade and paving.

Earth to be returned—How.

When any excavation is made as aforesaid, the paving or macadam or gravel, shall be placed on one side thereof, and the earth below on the other side thereof, and in refilling such earth shall be first put in and the said paving, gravel or macadam placed in position last.

Penalty for violation.

SECTION 6. Any person or persons violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding fifty dollars and the costs of prosecution.

SECTION 7. This ordinance shall take effect and be in force from and after ten days after the first publication thereof.

(Feb. 15, 1893.)

To provide for greater safety to persons and property upon the streets and public highways.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Obstructions in street.

Digging in same without permit.

Penalty.

That if any person or persons, corporation shall obstruct or cause to be obstructed any street, lane, alley, road or highway, within the corporate limits of said city, by changing the line of level, filling up or digging out of the bed of any such street, alley, road or highway, or shall in any other manner render the same less convenient or safe for persons using the same than it was previously thereto, without having first obtained the permission of the City Council of said city, for that purpose, for a time to be by said council limited, every person or corporation so offending, shall, on conviction thereof, pay a fine of not less than ten dollars, nor more than twenty-five dollars and costs of suit.

Suffering obstructions to remain.

SECTION 2. If any person or persons, corporation or corporations, shall suffer any obstruction which has been heretofore or hereafter placed in any street, lane, alley, road or highway, within the limits of said city, without a permit being first had and obtained, shall on conviction thereof, pay a fine of not less than ten dollars nor more than twenty-five dollars and costs of suit.

Duty to blockade bridge.

SECTION 3. That whenever any bridge in said city shall be broken, weakened or defective in any way, so as to endanger persons or vehicles passing thereon, it shall be the duty of the bridge committee of the City Council to immediately cause the same to be completely closed or blockaded until the same shall be repaired and rendered safe for travel.

Duty to blockade streets.

SECTION 4. That whenever the City Commissioner or any other officer of said city, shall, in or upon any street or highway, or ground near thereto, make any excavation or place any material, which shall in any way obstruct the same, it shall be the duty of said street commissioner to place and keep about the same until said obstruction is removed, a guard or railing which shall prevent persons or vehicles from going upon said grounds; and place in a conspicuous position a sign-board which shall notify all persons that said street or highway is blockaded.

Duty of contractor to blockade streets.

SECTION 5. It is hereby made the duty of any person contracting with said city to construct or repair any street, sidewalk or public highway, to place on or about the same, a railing which will prevent public travel thereon, and to put in a conspicuous place a sign-board notifying all persons that said street is blockaded, and to keep the same so placed until all obstructions are removed.

Responsibility of contractor and sureties.

It shall, without any special agreement therein, be an implied part of every contract made by said city for improvements that such contractor and his sureties upon said contract, shall be responsible for and hold said city harmless from all damages resulting in any part from the failure on the part of such contractor to comply with the provisions of this section.

Excavations to be guarded by red lights.

SECTION 6. It is made the duty of every person erecting any building or making any improvements on or near any sidewalk, street or alley of said city, whereby an excavation is made or material accumulated, to place around the same a substantial rail or guard which will prevent any danger from accidents, and to conspicuously place and maintain thereat during the night season a red light. Any person for whom said work is done, or the contractor or foreman doing or superintending the same, without placing said rail or guard and placing and maintaining said red light as herein provided, shall be fined in any sum not less than five dollars and costs of prosecution.

Penalty for failure.

Defacing guards or sign boards.

SECTION 7. Any person defacing or removing any of the guards or sign-boards aforesaid, without having the authority therefore, shall be fined not less than five dollars and costs of prosecution .

Penalty.

SECTION 8. That every person, who in this city, shall dig or cause to be dug, in or adjoining any of the public highways of said city, any excavation whatsoever, and every person digging or causing any such excavation to be dug, and every person who shall occupy or cause to be occupied, any portion of any public street or public highway, with building material, or any obstruction whatsoever, shall cause two red lights to be securely and conspicuously posted on or near such excavation, building material or other obstruction during the night season, one at each end, if the space so excavated or occupied by such building material or other obstructions shall exceed fifty feet in extent, then such person shall cause an additional light to be posted as aforesaid for every additional fifty feet in extent or portion thereof so excavated or occupied as aforesaid, and shall keep such red lights burning the entire night or nights during the continuance of such excavation or obstructions.

How and when red lights may be placed.

Neglecting to place or destroying red lights.

SECTION 9. Any person violating any of the provisions of Section 8 of this ordinance, or any person who shall remove or destroy any light or lights so posted on such excavations or obstructions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one nor more than fifty dollars and costs of prosecution for each offense.

Penalty.

SECTION 10. That this ordinance shall take effect and be in force from and after its passage.

(Feb. 15, 1893.)

FIRE DEPARTMENT.

AN ORDINANCE fixing the number salaries and bonds of the members of the Fire Department of the City of Middletown, State of Ohio.

Personnel of Fire Department.

SECTION 1. That the Fire Department of the City of Middletown, Ohio, shall be composed of the following officers and other members who shall receive the respective salaries hereinafter provided, payable semi-monthly out of the Fire Fund of said city and shall give their respective bonds hereinafter required.

Salary and bond of Chief.

First, the Chief of the Fire Department, who shall receive $1,000.00 per annum and shall give bond in the sum of $500.00.

Ass't. Chief.

Second, one Assistant Chief and driver, who shall receive $950.00 per annum and shall give bond in the sum of $500.00.

Captain.

Third, one Captain and driver, who shall receive $950.00 per annum and shall give bond in the sum of $500.00.

Electrician.

Fourth, one Electrician and fireman, who shall receive $950.00 per annum and shall give bond in the sum of $500.00.

Firemen and drivers.

Fifth, eight firemen and drivers, who shall each receive nine hundred dollars per annum and shall each give bond in the sum of five hundred dollars.

SECTION 2. The Fire Department as constituted herein shall be classified by the Director of Public Safety as required by law.

SECTION 3. Ordinance No. 339, entitled "An ordinance fixing the number and salaries and bonds of the members of the Fire Department of the City of Middletown, State of Ohio," be and the same is hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after April 1, 1911, but shall not effect the term of office or employment or rank or pay of any officer now serving in the Fire Department of said city.

(Ord. Bk. 9, Page 283; Feb. 10, 1911.)
(Amend. Ord. Bk. 3, Page 37; March 12, 1914.)

Giving the fire department the right-of-way of the streets, lanes, alleys and railroad crossings in running to fires.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Fire department shall have right of way.

That the apparatus of the fire department shall have the right-of-way in and upon any streets, lanes, alleys or railroad crossings in pursuance of any alarm of fire. No person or persons shall obstruct or neglect or refuse to make way for any such apparatus being thus in or upon any of the said streets, lanes, alleys or railroad crossings.

Penalty.

SECTION 2. Any person offending against any of the provisions of this ordinance shall, upon conviction, be fined not less than ten or exceeding one hundred dollars and costs of prosecution.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication.

(Feb. 15, 1893.)

To protect the hose belonging to the fire department during fires.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Injuring fire hose.

That if any street railroad car, steam railroad locomotive or car, wagon, cart or other vehicle be driven or propelled over the hose belonging to the fire department of the City of Middletown, laid in the street or elsewhere at the occurrence of any fire in the city; or at any alarm of fire, the driver or owner of such vehicle or street car, or the engineer or person in charge of steam railroad locomotives or cars, shall be subject to prosecution before the

Penalty.

Mayor of said city, and upon conviction, shall be fined in any sum not less than ten dollars with costs of prosecution.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Feb. 15, 1893.)

To prevent injury to the fire alarm telegraph of the City of Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Injuring fire alarm system.

That it shall be unlawful for any person to break, cut, mis-place, remove or in any way injure any of the wires, posts, boxes, fixtures or apparatus, which, now or hereafter may, constitute a part of, or in any way belong or appertain to the fire alarm telegraph of said city.

Penalty.

SECTION 2. Any one violating any part of this ordinance and on conviction thereof, shall be fined in any sum not less than one dollar nor more than twenty-five dollars and costs of prosecution, and may be imprisoned for not more than thirty days, at the discretion of the Mayor.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Feb. 15, 1893.)

To establish a Firemen's Pension Fund and to create a Board of Trustees of the Firemen's Pension Fund.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Establishment of pension funds.

SECTION 1. That it is deemed necessary that a Firemen's Pension be established and maintained by the City of Middletown and said fund is hereby established.

Creation of fund.

SECTION 2. That to maintain said fund there shall be levied annually at the time and in the manner provided by law for other municipal levies, a tax of not more than three tenths of a mill on each dollar upon all real and personal property as listed for taxation in the City of Middletown, or said funds may be maintained as otherwise provided by law.

Administration of fund.

SECTION 3. The fund authorized to be raised by this ordinance shall be administered by a Board of Trustees who shall be known as "Trustees of the Firemen's Pension Fund," which board is hereby created. Said Board of Trustees shall consist of the Board or Officer having charge or control of the Fire Department, and five members of the Fire Department, provided that upon petition of a majority of the members of the Fire Department the Board or Officer having charge or control of the Fire Department may designate a less number than five members of said department to be elected as Trustees of said Firemen's Pension Fund.

Board of Trustees.

Designation of officers.

SECTION 4. The presiding member of the Board or Officer having charge or control of the Fire Department shall be the President of the Board of Trustees of the Firemen's Pension Fund and the Clerk of the Officer having charge or control of the Fire Department shall be the Secretary of such board of Trustees of the Firemen's Pension Fund, and in case there be no clerk the Board of Trustees of the Firemen's Pension Fund shall appoint a secretary to keep a full record of all the proceedings of the Board of Trustees of the Firemen's Pension Fund, and said Board of Trustees shall fix his compensation, which shall be paid out of said Pension Fund.

Duty of secretary.

Election of members of Board of Trustees.

SECTION 5. As soon as possible after the adoption of this ordinance there shall be an election held for the purpose of choosing members of the Board of Trustees of the Firemen's Pension Fund at which all members of the Fire Department shall be eligible to vote and a notice of said election shall be posted in a conspicuous place by the officer having charge or control of the Fire Department at the different houses of the several companies composing said department, said election shall be held between the hours of nine A. M. and six P. M., and each person entitled to vote

Notice of election.

at said election shall vote for as many members of the Fire Department as there is Trustees to be elected, all votes so cast shall be canvassed by the officer having charge or control of the Fire Department, and the persons who receive the highest number of votes shall be the members of the Board of Trustees of the Firemen's Pension Fund for the ensuing year.

Number of votes.

Canvassing of vote.

Who elected?

Annually thereafter a like election shall be held, in case of a tie vote, such tie vote shall be determined by lot, the members so elected shall serve for one year or until their successors shall have been elected.

Tie vote.

Term of office.

SECTION 6. The City Treasurer shall be the custodian of said fund, and shall furnish a bond, to the satisfaction of the Board of Trustees, for the faithful discharge of his duties.

Duty of city treasurer.

SECTION 7. Said funds may be invested as provided by law in bonds of the United States, State of Ohio, or of any County, Township, School District or Municipal Corporation in the State.

Disposition of funds.

SECTION 8. Said Board of Trustees shall adopt such rules and regulations for the distribution of said fund and for the purpose of carrying into effect this ordinance as it may deem proper, provided said rules and regulations are approved by the officer having charge or control of the Fire Department.

Adoption of rules and regulations.

Approval.

SECTION 9. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 8, Pages 325-326; Nov. 11, 1913.)

GAMBLING.

Preventing gambling and betting.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That whoever keeps a room, building, arbor, shed, tenement, canal-boat or water-craft to be used for gambling or

Keeping room, etc., for gambling.

Renting room for gambling.

Penalty.

When owner deemed to have permitted.

who permits the same to be used or kept for gambling, and whoever being the owner of the room, building, booth, shed, tenement, canal-boat or water-craft, who rents the same to be used or kept for gambling, shall be guilty of an offense, and upon conviction thereof, before the Mayor, shall be fined not more than one hundred dollars nor less than ten dollars, or be imprisoned not more than thirty days nor less than ten days, or both, at the discretion of the Mayor; and the owner of any such building, tenement or water-craft, who knows that any gambling device is used or kept therein for gambling, and does not forthwith make complaint against the person so using or keeping same, shall be deemed to have knowingly permitted the same to be used and kept for such purposes.

Using gambling device for gain.

Penalty.

SECTION 2. Whoever suffers any game to be played for gain, upon or by means of any gambling device or machine of any denomination, or name in his house or in any out-house, booth or erection, of which he has the care or possession, shall be fined not more than one hundred dollars nor less than ten dollars and costs of prosecution.

Keeping or exhibiting gambling device for gain.

Engaging in gambling for livelihood.

Penalty.

SECTION 3. That whoever keeps or exhibits for gain, or to win, or to gain money or other property, any gambling table or faro or keno bank, or any gambling device, or machine of any kind or description under any denomination or name whatsoever, or keeps or exhibits any billiard table for the purpose of betting or gambling or allows the same to be used for any such purpose, or engages in gambling for a livelihood, or is without any fixed residence, and in the habit, or practice of gambling, or is a common gambler, shall be fined not more than one hundred dollars nor less than ten dollars, or imprisoned not more than sixty days nor less than ten days, and the Mayor may require such person to give good security in the sum of five hundred dollars to be of good behavior for one year.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 14, 1893.)

GAS AND ELECTRICITY.

AN ORDINANCE to authorize the Middletown Gas, Light and Coke Company to lay pipes for the conveyance of gas through the streets.

SECTION 1. *BE IT ORDAINED by the Council of the Incorporated Village of Middletown, Butler County, Ohio:*

That the Middletown Gas, Light & Coke Company be and they are hereby authorized to use the streets, lanes, alleys and public grounds of said village for the purpose of laying down pipes for the conveyance of gas in and through said village for the use of said village and its inhabitants.

SECTION 2. That all injuries done to the streets, alleys, sidewalks or other public or private property of said village or to any private property of any citizen or other person or persons by said company, by excavation or otherwise, shall be repaired by said company, with due diligence, and the same shall be left and kept in as good condition as before said injury was done.

SECTION 3. That for and during the period of ten years from and after the passage of this ordinance, the price of which the said Incorporated Village of Middletown shall require the Middletown Gas, Light & Coke Company to furnish the said Village of Middletown, for the purpose of lighting the streets, public buildings, public offices, and to other consumers in said village, either public or private shall not exceed four dollars per thousand cubic feet for gas actually consumed. Provided nothing in this ordinance shall be so construed as to prevent the council of said village from contracting with said Middletown Gas, Light & Coke Company to light any street, lane, alley, market space, public landing or common or part thereof, to be lighted as aforesaid, during the year 1872 and each and every succeeding year thereafter, during said term of ten years, at a specified price per post and burner; provided that the cost shall not exceed the price hereinbefore fixed.

SECTION 4. If the gas works for manufacturing said gas shall be located within the corporate limits of said Village of Middletown, the council of the said village at the time said works are being erected, shall have the priviledge of approving the location.

SECTION 5. That all the privileges hereby granted shall be null and void unless the said gas works shall be erected and at least one mile of main pipe be laid within one year from the passage of this ordinance.

SECTION 6. Nothing in this ordinance shall be so taken or construed as to abridge or diminish in any way whatever any powers or privileges conferred on council of said village by Chapter 31 of the municipal code or any section thereof.

SECTION 7. This ordinance to be in force from and after its passage and publication according to law.

(Oct. 19, 1871.)

Granting to the Middletown Electric Light Company permission, etc.

SECTION 1. *BE IT ORDAINED by the Council of the Incorporated Village of Middletown*:

That permission be granted to the Middletown Electric Light Company, a corporation under the laws of the State of Ohio, to erect and maintain the necessary number of iron towers, poles, wires, supports and such other fixtures as are necessary to the business of furnishing light by electrical currents, and said village is authorized to contract with said Middletown Electric Light Company for lighting the streets, alleys, avenues, highways and public grounds, within the corporate limits of said village for any period of time according to law.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(May 26, 1882.)

Granting permission to the Middletown Edison Illuminating Company.

SECTION 1. *BE IT ORDAINED by the Council of the Incorporated Village of Middletown*:

That permission be granted the Middletown Edison Illuminating Company, a corporation incorporated under the general laws of the State of Ohio, to erect poles and conductors of cedar, chestnut or iron poles to be at least twenty-five feet high and painted, and to maintain and support wires and other fixtures, in, through and under the streets, alleys and public grounds in a manner not to interfere with other wires, poles, public travel and private property.

SECTION 2. This ordinance shall take effect and be in force on and after its passage and publication according to law.

(Sept. 15, 1883.)

To grant the right-of-way to the Middletown Gas Company to lay down in North Broad Street and in sewer on Second Street an iron water pipe.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That a right is hereby given and granted to the Middletown Gas Co. to make and excavate a trench or ditch from its works on North Broad Street, southwardly to Second Street, and to connect and enter into the inside of said sewer, westwardly to the river, for the purpose of laying down in said trench an iron pipe, one and one-fourth inches in diameter; and to attach on the inside of said sewer an iron pipe of the said size of one and one-fourth inches to be securely fastened by good, strong iron staples, to the side wall of the sewer, about five feet above the bottom line of the sewer. The said iron piping to be used by the Middletown Gas Company to pass through such pipe the wash-water from its works and shall not be used for any other purpose or use.

SECTION 2. That the Middletown Gas Company shall dig and excavate the ditch to be used by it for the purpose aforesaid in such a manner as not to interfere with the use of the street for travel. And said Gas Company shall fill the ditch or trench with the earth taken therefrom, and shall put the street in good order and repair and shall leave the street level and smooth, to the satisfaction of the street commissioner. And said Gas Company shall pass the pipe through the stone wall of the sewer in a careful manner and in no wise injure or damage the wall, and shall put the wall of the sewer in good order and repair to the satisfaction of the city commissioner. And attach the iron piping to the inside wall of the sewer according to this resolution, and under the direction of the commissioner.

SECTION 3. The cost of this resolution and all other expense shall be paid by the Middletown Gas Company, and the City of Middletown reserves all rights and powers over the street herein named and the sewer also herein named, except the right and privilege hereby granted to the said Gas Company.

SECTION 4. This resolution shall be in full force and effect after its passage and publication.

(Sept. 21, 1888.)

AN ORDINANCE to grant permission to the Middletown Electric Light and Power Company to erect poles and string wires thereon, for the purpose of conveying electricity in and through the streets of Middletown for light, heat and power purposes.

Whereas, the Middletown Electric Light and Power Company, a corporation duly organized under the laws of the State of Ohio, and having its principal place or business at Middletown, Ohio, did on the fourteenth day of Sept., 1894, apply to the Council of the City of Middletown, Ohio, for permission to erect poles and string wires thereon for the purpose of conveying electricity in and through the streets, alleys and public places for light, heat and power purposes, and

Whereas, such steps were taken by the said Council of the City of Middletown that by resolution duly passed by the Council of the said City of Middletown on the 12th day of Oct., 1894, it was ordered by said Council that the question of authorizing the said The Middletown Electric Light and Power Company to go into operation be submitted to the qualified electors of the said City of Middletown on the sixth day of Nov., 1894, the said day being a regular election day occurring in said city, and further calling upon the Mayor to issue his proclamation for said election, and

Whereas, the said question of authorizing said election was duly submitted to the said qualified electors of the said City of Middletown on the said sixth day of Nov., 1894, and

Whereas, there was cast at said election (2,301) twenty-three hundred and one votes, being a whole number of votes cast at said election, and at said time there was cast the number of twelve hundred and seventy-six (1276) votes in favor of said proposition, to-wit: To authorize the Middletown Electric Light and Power Company to go into operation in said city, and

Whereas, the said number of votes so cast in favor of said proposition being a majority of all the votes cast at said election, and that thereby the qualified electors of said city did authorize the said The Middletown Electric Light and Power Company to go into operation in said city. Now, therefore,

BE IT ORDAINED by the Council of the City of Middletown, as follows:

SECTION 1. That permission be and the same is hereby granted to the Middletown Electric Light and Power Company, a corporation duly organized under the laws of the State of Ohio, to construct lines for conducting electricity for light and power purposes through the streets, lanes, alleys, squares and public places of the City of Middletown, Ohio, by the erection of the necessary fixtures, including posts, piers and abutments necessary for the wires.

SECTION 2. That all wires erected and operated under the provisions of this ordinance shall be covered by a water-proof insulation, and said poles, piers, abutments and wires shall be so located and arranged as not to interfere with the successful operation of existing telegraph and telephone wires, and with the usual and ordinary travel in and along any of the streets, lanes, alleys or public places.

SECTION 3. That all poles to be erected persuant to this ordinance shall be of cedar and not less than thirty feet in length before setting and shall be smoothly dressed and painted, and the same shall be placed at a proper depth in the ground and as near the curb line as practicable unless otherwise directed by the City Council.

SECTION 4. The Council may from time to time regulate the price that said The Middletown Electric Light and Power Company may charge for the electric light to be furnished by said company to the citizens of said City of Middletown, and said company shall in no event charge more for electricity so furnished to said citizens than the price so fixed by the City Council and City Council may regulate and fix the price which said company may charge for rent of its meters, provided, however, that when the City Council does so fix the highest price which said company may charge for electric light for any term not exceeding ten years and the said company assents thereto by written acceptance filed in the office of the City Clerk said Council shall not require said company to furnish electric light for any lower price during the time agreed on, not exceeding ten years as aforesaid.

SECTION 5. The said The Middletown Electric Light and Power Company shall furnish first-class efficient service and meet the wants of the City of Middletown and of the citizens thereof for all electric light and electric power purposes for either public or private use, and shall have sufficient capacity to supply the wants of the city and of its inhabitants, and for which there shall be a profitable demand.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 167-168-169; Nov., 1894.)

Granting to The Ohio Fuel Supply Company, its successors and assigns the right to lay and maintain in and through the public streets, alleys and public ways of the City of Middletown, a system of pipes with the necessary appliances and appurtenances, for the purpose of conveying to and supplying natural gas for fuel, lighting and other purposes to the City of Middletown and its inhabitants.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the right, privilege and franchise be and the same is hereby granted to the Ohio Fuel Supply Company, a corporation duly organized under the laws of the State of Ohio, its successors and assigns, for a period of twenty-five years from and after the date of the passage of this ordinance, to enter upon and lay in and through the public streets, alleys and public ways of the City of Middletown, excepting lower Main Street from First Street to Fifth Street, a system of pipes and all the necessary appurtenances and appliances, to be used for the transportation of natural gas for sale to and use by the City of Middletown and its inhabitants for heating, lighting and other purposes, under the conditions and limitations herein contained.

SECTION 2. All excavations in any street, alley or public way made by the said The Ohio Fuel Supply Company, its successors and assigns, for the purpose of laying said system of pipes and the necessary appurtenances or appliances or altering or repairing the same after the same have been erected, or for the purpose of connecting said system with the houses, mills and factories of its consumers shall be made in such a manner as not to unnecessarily interfere with the ordinary traffic or travel in and along the public streets, alleys and ways, and not to injure or destroy the water, gas or other pipes, or sewers or conduits or their connections, erected and being in said street, alley or public way.

SECTION 3. All excavations made in any street, alley or public way by the said The Ohio Fuel Supply Company, its successors or assigns for the purpose of laying, removing or repairing any of its said pipes with their necessary connections and appurtenances shall be made in strict accordance with the ordinances of the City of Middletown now in force or hereafter to be adopted relating to making excavations into any street, alley or public way. The street, alley or public way opened or disturbed in any manner by said company, its successors or assigns shall be restored to as good condition as they were in before the same was opened up or disturbed by said company, its successors or assigns and to the full and complete satisfaction of the Board of Public Service of the City of Middletown or its successors in office, and the said company, its successors and assigns shall keep the portion of the street, alleys or public ways so opened up, excavated into or disturbed in good repair to the satisfaction of the said Board or its successors for a period of two years from and after the date such opening up, excavation being made or the surface of the street, alley or public way disturbed.

SECTION 4. If any street permanently paved shall be opened up for the purposes herein stated, the pavement shall be restored by competent mechanics skilled in the particular kind of work required, and shall be restored to the complete satisfaction of the Board of Public Service or its successors, and the said pavement so disturbed or opened up shall be kept in good repair to the satisfaction of the said board for a period of five years from and after the date of such disturbance of such pavement, and all restoration of the surface of paved and gravelled streets shall be done under the supervision of the said board or its duly constituted representative. The said board may appoint an inspector to see that the streets are properly restored and the said The Ohio Fuel Supply Company or its successors shall pay all charges for time employed by said inspector for said work.

SECTION 5. In case the said company, its successors or assigns shall fail to properly and promptly restore the surface of any street, after five days' notice of said board delivered to said company's office at Middletown, Ohio, or mailed to the office, the said Board of Public Service or its successors may cause the same to be done at the expense of said compay, its successors and assigns and collect the said costs and expenses either by assessment upon the property rights and franchises of the said company or by suit at law in any competent court, together with interests on the amounts so expended.

SECTION 6. The said company, its successors and assigns shall promptly restore all curbs and gutters or sidewalks and all cross-walks or cross-gutters to as good condition as they were in before such curbs, gutters, sidewalks, cross-walks or cross-gutters were disturbed, and if they fail to do so within five days after notice as stated in Section 5, the Board of Public Service may have the same done at the expense of said company, its successors or assigns and collect such costs and expenses in the manner stated in Section 5.

SECTION 7. Before any excavation shall be made in any street or public way the said The Ohio Fuel and Supply Company or its successors and assigns shall deposit the sum of three hundred dollars with the City Treasurer as a further security that said company will comply with all the provisions of Sections 5 and 6 of this ordinance and promptly make all repairs in any street or sidewalk of the City of Middletown, and if it shall fail to promptly make said repairs as required by this ordinance, the Board of Public Service may cause such repairs to be made at the costs and expenses of said company, and to draw upon the said deposit for the purpose of paying said costs and expenses, and if any funds are so drawn then said company shall pay the amount of such sums so that at all times said deposit is kept up to the sum of three hundred dollars. If it fails to keep up said deposit in said sum of $300.00 no further excavation shall be made until said deposit is so made. When the plant is completed said sum of three hundred dollars shall be paid to said The Ohio Fuel Supply

Company, its successors or assigns if the street, curbs, gutters and sidewalks are in good repair.

SECTION 8. All pipes and connections of pipes of whatever kind leading to any dwellings, mills, factories or other buildings interfered with in any way by the said company, its successors or assigns shall be replaced in a proper and workmanlike manner and to as good condition as they were before being interfered with by the said company, its successors or assigns at its cost and expense and without unnecessary delay.

SECTION 9. The City of Middletown may at any time grant to any other person, firm or corporation the right to lay and construct pipes, sewers or conduits or may construct the same for the benefit of the city for the purpose of conveying in and through the same natural gas, water, sewage or for other public utilities, but the same shall be so laid as not to destroy, obstruct or unnecessarily interfere with the pipes and appurtenances of said company, its successors or assigns.

SECTION 10. In case any street may be paved with any permanent pavement the said company, its successors or assigns shall make all house connections to the curb line of the street before said paving is commenced, and if it fails to do so after receiving such notice it shall not be permitted to open such paved street within a period of ten years thereafter.

SECTION 11. If at any future time the pipes, valves, boxes, grating and connections, or other appliances, property, or appurtenances of the said The Ohio Fuel Supply Company, its successors or assigns shall be in the way of grading, paving, sewering or other improvements of any street, avenue, alley or public grounds by the said City of Middletown, or if the same are required to be unconstructed by reason of any change of grade, The Ohio Fuel Supply Company, its successors and assigns shall as deemed necessary by said city remove or restore the same without delay at the cost and expense of said The Ohio Fuel Supply Company, its successors or assigns.

SECTION 12. The said The Ohio Fuel Supply Company, its successors or assigns shall preserve and keep the said City of Middletown safe, free and harmless from any loss, damage, cost, expense or liability whatsoever by reason of or resulting from this grant the installation or maintenance of its said plant, pipes and appurtenances, or any exercise or use of the rights and privileges granted hereby or from any act or ommission of the said company, its successors or assigns, its agents or employes, and shall defend at its own cost and indemnify the said city against any suit or claim which may be brought or prosecuted against the said city by reason of any of said causes or facts. And the rights and privileges herein granted to The Ohio Fuel Supply Company, its successors or assigns are subject to all the rights and privileges heretofore granted by said City of Middletown to any individuals, companies or corporations, and the said City of Middletown shall in no way be held responsible for damages or differences that may arise between any of said individuals, companies or corporations and the said The Ohio Fuel Supply Company, its successors or assigns.

SECTION 13. The quality and pressure of said gas are to be adequate and proper for the uses and purposes herein named, and the pressure at no time shall be less than four ounces nor more than twelve ounces to the square inch at the point of consumption.

SECTION 14. All meters shall be of standard make, tested and sealed and are to be furnished by the said The Ohio Fuel and Supply Company, its successors or assigns to consumers free of cost and are to remain the property of the said company.

SECTION 15. Along the streets in which the natural gas mains are laid the said gas shall be delivered to consumers at the outer curb line of the lot and said street mains shall be extended upon the proper application of any resident or property owner desiring natural gas, provided the distance does not exceed 200 feet for each consumer so applying.

SECTION 16. Before the laying of any pipe or excavation in any street, avenue, alley or public way of said city by the said The Ohio Fuel Supply Company, its successors or assigns, it shall execute and deliver a good and sufficient bond to the said city in the sum of fifteen thousand dollars with surety to the approval of Council, conditioned that the said company, its successors or assigns shall faithfully comply with and perform all and singular the obligations and conditions of this ordinance by said company, its successors and assigns to be performed and to save and hold harmless said City of Middletown from all loss, damages, cost or expense or liability whatsoever by reason of or resulting from this grant the installation or maintenance of its said plant, pipes, appurtenances or any act or omission of said company, its successors or assigns, and further, that said company shall defend at its own cost and indemnify said city against any suit or claim which may be brought or prosecuted against the said city by reason of any of said causes or facts. Provided that neither the said company or its surety upon said bond shall by reason thereof be held liable upon said bond or otherwise for failure or neglect to furnish gas as provided herein.

SECTION 17. Before making any excavation into any street, alley or other public way, the said The Ohio Fuel Supply Company shall file with the Board of Public Service a map or plat showing the location of any and all pipes or other appurtenances thereto, their sizes, the depth beneath the surface of the street and all other particulars so that the board or its successors may at all times be informed what pipes, valves and appurtenances have been laid and constructed, their location, sizes and depth beneath the finished grade of the street, alley or public way. When the lines have been completed the said The Ohio Fuel Supply Company shall prepare a map of the city, showing said particulars, and keep the same on file in the office of the Board of Public Service, and thereafter when any extensions are made the same shall be shown on said complete map or plat.

SECTION 18. The Ohio Fuel Supply Company, its successors or assigns shall be ready to and will distribute and supply natural gas to the citizens, inhabitants and other consumers of gas in said City of Middletown within one year from the passage and acceptance of this ordinance. (provided that if the beginning or progress of the construction of its lines and plant shall be delayed by order of injunction in bona fide litigation contesting the validity of this ordinance or franchise or the rights of the grantee company, its successors or assigns to proceed thereunder or by other bona fide litigation instituted by said company in good faith and not for the purpose of delay in securing its right of way and its right to lay its pipe line to and within said City of Middletown, the time that such order is in force or said litigation is pending shall not be included in computing said time nor shall the time that the beginning or progress of such construction is delayed by strikes, riots or other causes beyond the control of said company, its successors or assigns be included in computing said time), otherwise the right and privileges herein granted to said company, its successors or assigns, may be declared forfeited by the Council of the said city and the franchise thereby becomes null and void.

SECTION 19. The Council of the City of Middletown may regulate from time to time the price which said company may charge for natural gas furnished by said company for lighting or fuel purposes to the City of Middletown, its citizens or inhabitants, and said company shall in no event charge more for said natural gas than the price specified by said Council by ordinance.

SECTION 20. Provided: That the said The Ohio Fuel Supply Company shall within thirty days after the passage of this ordinance file its written acceptance of the provisions hereof, with the clerk of the Council of the City of Middletown, otherwise this franchise shall be null and void.

SECTION 21. All proper costs and expenses of advertising this ordinance to be paid by The Ohio Fuel Supply Company, its successors or assigns.

SECTION 22. This ordinance shall be and remain in force from and after its passage and publication according to law and its acceptance by The Ohio Fuel Supply Company, its successors or assigns as herein provided.

(Ord. Bk. 10, Pages 114-115-116-117-118-119-120; Dec. 8, 1905.)

To regulate the price which the Ohio Fuel Supply Company, its successors or assigns may charge for natural gas for and during the ensuing ten years in the City of Middletown, State of Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That during the period of ten years from and after the passage of this ordinance and its acceptance by The Ohio Fuel Supply Company, said company, its successors and assigns may charge for natural gas furnished to the said City of Middletown and to the citizens and private consumers thereof at the rate of forty cents per thousand cubic feet, making a net rate of thirty cents per thousand cubic feet if paid at the company's office in said city on or before the tenth day of the month following that in which the natural gas has been consumed; but said The Ohio Fuel Supply Company, its successors or assigns shall in no event during said term of ten years charge for natural gas so furnished more than the prices herein specified.

Provided, however, that in case the quality of the gas furnished shall in any month for an aggregate period of seventy-two hours fall below the standard of eight hundred British thermal units to the cubic foot (to be ascertained by the inspector of gas or other officer or agent appointed by the Board of Public Service for that purpose). Then the bills of consumers of natural gas furnished during said month shall be discounted ten per cent from the net price or rate hereinbefore provided, and if said time that such natural gas shall fall below the standard herein fixed for a longer period than seventy-two hours an additional discount of ten per cent for each seventy-two hours shall be made from said bills for each additional seventy-two hours or part thereof that the same shall fall below said standard.

SECTION 2. This ordinance shall be and remain in full force from and after its passage and publication according to law and its acceptance by The Ohio Fuel Supply Company, its successors or assigns, as herein provided.

(Ord. Bk. 10, Pages 121-122; Dec. 8, 1905.)

To regulate the price which The Middletown Gas and Electric Light Company may charge for artificial gas for and during the ensuing ten years in the City of Middletown, State of Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That during the period of ten years from and after the passage of this ordinance, its acceptance by The Middletown Gas and Electric Light Company and the publication of said ordinance as provided by law, said company, its successors and assigns may charge for artificial gas furnished to the City of Middletown and to the citizens and private consumers thereof, the following prices:

At the rate of one dollar per thousand cubic feet for all consumers of one thousand cubic feet or more per month.

At the rate of $1.50 per thousand cubic feet for all consumers of less than one thousand cubic feet per month.

A discount of ten cents a thousand cubic feet to be allowed if bills are paid by the tenth of each month for gas consumed during the preceding month.

A minimum price of twenty-five cents per month will be charged to all consumers where monthly bills do not amount to twenty-five cents at the current rate, for any one month.

The said The Middletown Gas & Electric Light Company, its successors or assigns shall in no event during said term of ten years charge for artificial gas so furnished more than the prices herein specified.

SECTION 2. This ordinance shall take effect and be in force from and after its acceptance by said The Middletown Gas & Electric Light Company, and its publication as required by law.

(Ord. Bk. 10, Page 113; Dec. 8, 1905.)

AN ORDINANCE to grant a franchise unto the Middletown Gas and Electric Light Company, to construct, operate and maintain a system of conduits in and through the streets, lanes, alleys and public places of the City of Middletown, Ohio, and to prescribe the terms and conditions of such grant.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the right be and the same is hereby granted unto The Middletown Gas and Electric Company to construct, operate and maintain wires in conduits underground for conducting electricity for light, heat and power purposes through the streets, alleys, lanes and public places of the City of Middletown, Ohio, by the construction of the necessary conduits or underground pipes for the wires for the period of twenty-five years from and after the passage of this ordinance, under the terms and conditions herein contained.

SECTION 2. For the purpose of enabling said company to convey said electric current under ground, the right is hereby granted to the said company to construct in and along the public streets and alleys under the surface thereof underground conduits or pipes, in which to place and maintain electric cables, wires and other conductors, together with the necessary manholes, junction boxes, connection boxes, feeders, pipes and connections to and from such subways and conduits and all the necessary fixtures and appliances for the placing and safely carrying electricity or electrical conductors beneath the surface of said streets, alleys and public ways.

SECTION 3. For the purpose of constructing said conduits or subways, the said company is hereby authorized to excavate or dig into any street, alley or public way under the terms and conditions herein set forth.

SECTION 4. Before digging into or opening the surface of any street, alley or public way, application shall be made to the Director of Public Service or his successor in office, or any other board or officer lawfully having charge of the streets, alleys and public ways of the City of Middletown, Ohio. Said application shall contain a statement where the excavation shall begin and the length thereof, the name of the street or alley to be cut into or excavated for that purpose, the kind and character of the conduit to be constructed, and a map or plat showing the place and depth of such proposed conduit, and all of which work shall be done to the full and complete satisfaction of the Director of Public Service of said city or his successor in office, or any other board or officer lawfully having charge of the streets, alleys and public ways of said city.

SECTION 5. If any street or alley permanently paved shall be cut into, the pavement of such street shall be fully and promptly restored to as good condition as the same was prior to making such excavation therein, and to the full and complete satisfaction of the Director of Public Service or his successor in office, or any other board or officer lawfully having charge of the streets and alleys of said city.

The said company shall pay the actual costs and expenses of an inspector employed for the purpose of inspecting the restoration of any such street or alley, upon the presentation of a bill for the same.

SECTION 6. On all other streets, the surface of the same shall be promptly restored to as good condition as it was prior to making such excavation therein, in accordance with the directions and to the full and complete satisfaction of the Director of Public Service or his successor in office or any other board or officer lawfully having charge of the streets and alleys of said city.

SECTION 7. All conduits shall be constructed and maintained as not to interfere with the public or private sewers in and along any street or alley or interfere with the public or private water mains in any street or alley, or interfere with the conduits or underground ways of any telephone or telegraph company in any such street or alley, and so as not to interfere with the gas mains in any street or alley.

SECTION 8. The said company shall promptly restore the sidewalk, curb, gutter or any other work in any street or alley to the same condition as they were before being cut into by said company for the purpose of constructing its conduits, and if the same is not done within five days after notice so to do, the said city may have the same done at the costs and expenses of the said company.

SECTION 9. The said company shall furnish to the said City of Middletown a complete map or plan showing the location of all conduits to be constructed by it and whenever any new conduits are constructed the said map or place shall be amended to show such new construction.

SECTION 10. The said company shall at all times hold the City of Middletown free and harmless from any and all loss or damage that may occur or arise out of the construction, operation and maintenance of said electric light and power system.

SECTION 11. Before commencing any work under this grant, the said company shall file with the City Auditor a bond in the sum of five thousand dollars ($5,000.00) with sureties to the satisfaction of the Council of the City of Middletown, conditioned that it will faithfully comply with each and every provision of this ordinance relating to the restoration of streets, alleys, sidewalks, curbs, gutters and other property of the City of Middletown, to the payment of all the expenses of inspectors appointed by the city and to protect the city from loss, and said bond shall be for the term of twenty-five years.

SECTION 12. The said company shall at all times faithfully comply with all the laws of the State of Ohio now in force or hereafter to be adopted, relating to the construction, operation and maintenance of electric lighting and power systems, and shall at all times comply with each and all of the ordinances of the City of Middletown now in force, or hereafter to be adopted relating to excavations into or construction in or along any street, alley or public way, and shall also comply with the rules and regulations of the Department of Public Service of said city relating to that subject, and this grant shall be subject to all such laws, rules, ordinances or regulations.

SECTION 13. Said company shall not charge any one service more than fifty cents (50c) per month as a minimum charge, and shall not charge more than ten cents (10c) per K. W. as a maximum charge.

SECTION 14. Said company shall not assign to, absorb or merge with any competing company.

SECTION 15. The said company shall within thirty days from and after the adoption of this ordinance file with the City Clerk or Clerk of Council, its written acceptance of this ordinance and comply with each and all of its provisions.

SECTION 16. Said company shall file a bond at the time of the acceptance of this ordinance with surety to the satisfaction of the Council of the City of Middletown, Ohio, in the sum of $10,000.00, conditioned that said company shall in good faith commence the construction of its said system of conduits and underground construction within six months from and after the passage of this ordinance, and shall be ready and fully equipped to supply to the citizens of Middletown, Ohio, and to the said city, electricity for light, heat and power purposes within one year from and after the time of commencement of said construction, and if said construction is not commenced within six months from and after the passage of this ordinance and fully equipped to supply electricity to the city and its citizens within one year after the commencement thereof then this ordinance shall be null and void.

SECTION 17. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 9, Pages 97-98-99-100; March 15, 1910.)

To grant The American Rolling Mill Company the right to construct a line of electric wires in and along Yankee Road from the corporation line of the City of Middletown to the Miami and Erie Canal, upon poles now erected and standing on Yankee Road, and also the right to construct, operate and maintain a line of electric poles and wires in and along an alley running east and west along the south line of Section twenty-eight from its eastern terminus to Main Street, and thence across Main Street to Eleventh Street, and thence west on Eleventh Street to the property of The American Rolling Mill Company.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the American Rolling Mill Company, its successors and assigns be and the same are hereby granted permission to construct and maintain a line of electric wires, for the purpose of conveying electrical current to and from the various plants and properties of The American Rolling Mill Company in and along Yankee Road, from the corporation line of the City of Middletown northwardly to the Miami and Erie Canal, the said electric wires to be constructed upon poles now standing in said Yankee Road from the corporation line to the Miami and Erie Canal, and said The American Rolling Mill Company, its successors and assigns is further granted the permission to erect, operate and maintain a line of poles and wires, and to flow electricity thereon in and along an alley running east and west along the south line of Section twenty-eight (28), Township two (2) and Range four (4) in the City of Middletown, and thence across Main Street and thence westwardly on Eleventh Street to the property of The American Rolling Mill Company.

The grant hereby given is subject to the terms and conditions contained herein for the term of fifteen years from and after the passage of this ordinance.

SECTION 2. All poles to be erected in and along the alley and on Eleventh Street shall be not less than fifty feet in length and no wires shall be placed thereon less than thirty-five feet from the level of the sidewalk or roadway.

SECTION 3. All said poles shall be reasonably straight, smoothly shaven and shall be painted such color as may be required by the Director of Public Service of the City of Middletown. and shall be kept painted to the satisfaction of the said Director of Public Service or his successors in office.

SECTION 4. The said poles to be erected in and along said alley and along Eleventh Street shall be erected in such a manner as not to interfere with the ingress and egress of all the property owners in and along said street or alley, and the same shall be erected under the supervision of and to the satisfaction of the Director of Public Service of the City of Middletown.

SECTION 5. All poles now erected on said Yankee Road from the corporation line of the City of Middletown to the Miami and Erie Canal, shall be painted and be kept painted in accordance with the provisions of Section 3.

SECTION 6. When the City of Middletown shall at any time cause Yankee Road to be curbed and guttered, the said pole line now standing erected and being on said Yankee Road shall be removed by the said The American Rolling Mill Company, without cost and expense to the city just inside the curb line, and said erection shall be done by said The American Rolling Mill Company to the satisfaction of the Director of Public Service of the City of Middletown, Ohio.

SECTION 7. All wires to be constructed on said poles or at any point within the City of Middletown shall be covered with water-proof insulation and said wires shall be so located and arranged as not to interfere with the successful operation of existing telegraph and telephone wires and all of said wires shall be first approved by the Director of Public Service before being erected on said poles.

SECTION 8. The said The American Rolling Mill Company, its successors and assigns shall at all times save the City of Middletown, Ohio, free and harmless from any and all claims for damages of any kind whatsoever arising out of the construction, operation and maintenance of said electric power line.

SECTION 9. The said The American Rolling Mill Company shall only use any of said poles for the purpose of conveying electricity from and to its several plants and for the purpose of operating the same and for no other purpose whatsoever.

SECTION 10. The City of Middletown shall at all times have the right of constructing upon the top of any of said poles on Yankee Road or elsewhere wires for the operation of its fire alarm system or any police signal system whenever the said City of Middletown shall desire to so use the top of said poles for said purpose, and said City of Middletown shall have the right to use said poles for said purpose without any cost or expense.

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 135-136-137; May 13, 1910.)

HEALTH.

To establish a Board of Health and to define the duties and powers of same.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Board of Health established.

That a board of health be and the same is hereby established. The said board to be composed of the Mayor, who shall be president by virtue of his office, and six members to be appointed by the Council, not more than two of whom shall be medical practitioners.

SECTION 2. The term of office of the members of the board shall be three years from the date of their appointment, except that those first appointed shall be classified as follows: Two to serve for three years, two for two, and two for one year, thereafter two shall be appointed annually.

Term of Office.

SECTION 3. The board shall appoint a health officer, and may appoint a clerk and define their duties and fix their salaries, and all such appointees shall serve during the pleasure of the board.

May appoint a Health Officer and Clerk.

SECTION 4. The Board of Health may abate and remove all nuisances in the corporation, and assess the costs and expenses of the same upon the property wherein such nuisances are situated, which assessments when duly certified by the President of the board to the county auditor, shall become a lien thereon, to be collected as other taxes in favor of the corporation; compel the owners, agents, assignees, occupants or tenants of the lot, property, house or building upon or in which any nuisance may be, to abate and remove the same; regulate the construction, arrangements, emptying and cleaning of all water closets and privy vaults; create a complete and accurate system of registration of births, marriages, deaths and interments occurring in such corporation for the purpose of legal and geneological investigations and for furnishing facts for statistical, scientific and particularly for sanitary inquiries, and when complaint is made, or a reasonable belief exists that any infectious or contagious disease prevails in any locality or house, the board may visit such locality or house, make all necessary investigation by inspections, and when such contagious disease exists, send the person so diseased to the pest-house or hospital.

Powers and duties of Board.

SECTION 5. The owner or agent of the house in which a person resides who has the small-pox or any other disease dangerous to the public health, and the physician called to attend the person so afflicted, shall within twenty-four hours after becoming cognizant of the fact give notice thereof to the Board of Health, and when a person so afflicted is removed to a pest-house or hospital the Board of

Smallpox and dangerous diseases.

Power and duties of Board.

Health is empowered to use all necessary means to restrain him of his liberty, until the danger of the infection is passed.

Permit to convey corpse.

SECTION 6. No person shall convey a corpse to or from the city without a permit from the Board of Health.

Board may make rules and regulations.

SECTION 7. The Board of Health is hereby authorized and empowered to make such orders and regulations as it may deem necessary for the public health and for the prevention of diseases, and such orders and regulations when adopted, shall have all the force and effect of ordinances of the corporation.

May appoint sanitary policeman.

SECTION 8. The Board of Health is hereby empowered to appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation may require; and such persons shall have general police power, to be known as the sanitary police, perform such duties for the promotion of the public health as the Board of Health may direct, and shall serve during the pleasure of the board.

SECTION 9. That all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed, and this ordinance shall take effect and be in force from and after its passage.

(July 24, 1891.)

To protect the health of the citizens of Middletown and to prevent the spread of contagious diseases.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Power of Board of Health when smallpox exists.

That whenever a case of smallpox is found within the limits of the city, the Board of Health or the health officer are hereby authorized and empowered to exercise complete supervision over such, so far as to prescribe the number of attendants or nurses, or persons who shall be allowed access to the apartment occupied by the person so afflicted, and it shall be the duty of said health authorities to restrict the movements of those nursing or in communication with smallpox patients, that said persons may be restricted from going about promiscuously among the citizens.

Property infected with smallpox to be disinfected.

SECTION 2. The Board of Health and the health officer are also hereby authorized and directed to prohibit all sale and disposition of rags, clothing, bedding, carpets and furniture to dealers or parties from dwellings in which any smallpox patient may be or may have been, or the washing of clothing or other articles of any kind which may have been used or exposed to infection in the apartments of such patient, elsewhere than in said dwellings, until the same shall have been disinfected in a manner satisfactory to the health officer; and further, said authorities are hereby authorized and instructed to cause any room, house or part of any house in which any patient has been confined by reason of smallpox, to be immediately and thoroughly disinfected to the satisfaction of said health officer, and to cause the destruction of all clothing of such patients or other articles which cannot be disinfected in a manner satisfactory to said health officer; provided, that in the event of the destruction of the bedding, clothing or furniture of poor persons, they shall be reasonably compensated for the loss of the same out of any money in the sanitary fund not otherwise appropriated.

Washing of clothin and conveying smallpox patients forbidden.

SECTION 3. The making or washing of clothing other than the family in any building in which there is a case of smallpox, or the conveyance of the body of any deceased smallpox patient in any public hack or carriage are strictly forbidden.

Penalty.

SECTION 4. Any person or persons violating any of the provisions of the preceding sections shall, upon conviction thereof before the Mayor, be fined any sum not less than five nor more than fifty dollars and costs of prosecution.

Introducing contagious diseases.

SECTION 5. It shall be unlawful for any person to introduce or aid in introducing into the city smallpox, scarlet fever, measles, whooping-cough, diphtheria or any other contagious or dangerous diseases; and it shall be the duty of all physicians called to attend such cases to notify the Board of Health immediately of the existence of the same, with the name and residence of the patient.

Proprietors of hotels, etc., must give notice.

SECTION 6. All proprietors of hotels, boarding houses, coffee houses or other places in which such diseases may be discovered, are required to give immediate notice of the same to the Board of Health, with the name and residence of the person introducing the same.

Attendance of children at schools forbidden.

SECTION 7. It shall be unlawful for a child affected with any contagious disease to attend any public or private schools or any Sunday class, and persons in charge of such schools are required to report to the health officer any known case in attendance, and cause such child to return home; nor shall such child be returned to any school without permission from the health officer.

Health Officer must post notice.

SECTION 8. It shall be the duty of the Board of Health as soon as it receives notices of the existence of any case of smallpox, varioloid, scarlet fever, diphtheria or any other dangerous and contagious disease, to cause to be posted upon all houses and dwellings in which patients are suffering from any of the above enumerated or other contagious diseases are confined notices or placards, which notices shall be in printed form, with large type, and to contain the name of the disease found in said house or dwelling, and they shall be posted upon the outside thereof fronting or facing the street.

Penalty for removing.

SECTION 9. All persons who shall tear down, deface, cover or obstruct any of the notices provided for in the preceding section, except upon the written order of the health officer shall, upon conviction thereof before the Mayor, be fined in any sum not less than ten, nor more than fifty dollars and the costs of prosecution.

SECTION 10. All ordinances or parts of ordinances heretofore passed inconsistent with this ordinance are hereby repealed, and this ordinance shall take effect and be in force from and after its passage and publication according to law.

(April 22, 1892.)

To prohibit spitting upon sidewalks and public walks.

Spitting on sidewall prohibited.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown, Ohio,* that it is hereby determined and declared by said Council that it is and shall be a nuisance and unlawful for anyone to spit or expectorate upon any sidewalk or public walk within the City of Middletown, and no person shall spit or expectorate upon any sidewalk or public walk within said City of Middletown, Ohio.

Penalty.

SECTION 2. That any person violating the provisions of this ordinance shall be guilty of an offense and upon conviction for the first offense shall be fined the sum of one dollar ($1.00) and shall pay the costs of prosecution, and upon conviction for any subsequent offense shall be fined in any sum not less than one dollar ($1.00), and not exceeding ten dollars ($10.00), and shall pay the costs of prosecution.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 490; Jan. 10, 1902.)

To prevent the removing of animal and vegetable refuse through the streets.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Carrying offal through streets.

That it shall be unlawful for any person to remove or carry in or through any of the streets, lanes, avenues, places or alleys of the City of Middletown, any house dirt or house offal, animal or vegetable or any refuse substances from any of the dwelling houses or other places of the city, or the carcass of any dead animal, unless such person so removing or carrying the same shall have procured a permit so to do from the health officer, prescribing such terms and conditions as may be deemed essential to the health and interest of the city.

Disposition of dead animals.

SECTION 2. It shall be the duty of any owner or owners of any dead animal, within six hours after the death of such animal, to notify the health officer of such death for the purpose of securing the removal of the carcass of such animal.

SECTION 3. Any person violating the provisions of the preceding sections or any part thereof, shall upon conviction before the Mayor, be fined in any sum not less than five dollars and not more than fifty dollars, together with the costs of prosecution.

Penalty.

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance be, and the same are hereby repealed, and this ordinance shall take effect and be in force from and after its passage.

(April 22, 1892.)

Relating to the disposal of garbage in the City of Middletown and the method of collection thereof, and defining what is garbage.

BE IT ORDAINED by the City Commission of the City of Middletown, Ohio:

Duty of resident, tenant, dealer, vender, etc.

SECTION 1. That it is hereby declared to be the duty of every resident, householder, tenant, hotel keeper, boarding-house keeper, wholesale and retail dealer and vender of fish, fouls, fruit and vegetables, and every person occupying a dwelling in the City of Middletown, Ohio, to provide or cause to be provided, and at all times to keep or cause to be kept, portable vessel or vesssels, tank or tanks for holding garbage, such vessels or tanks to be at all times water tight and to be provided with suitable handles or bail on the outside thereof, and a tight fitting cover therefor, which cover shall only be removed when necessary in the use of such vessel or tank. Such vessel or tank shall be kept or placed in the rear of the house or building or in the basement, area or passage way as may be most convenient and

Kind of receptacle required.

accessible for the purposes of collection of the garbage therein, and they shall not be kept upon the street, alleys, sidewalks or other public place; such tank or vessel shall be of a capacity not less than ten (10) gallons. Any such vessel or tank shall be promptly delivered or turned over to any authorized collector calling for the same or placed where the same can be obtained by such collector for the purpose of emptying the same and no person other than the authorized collector or his agent shall in any manner interfere with such tank or vessel or the contents thereof.

Method of collection.

Definition of "Garbage."

SECTION 2. The word "Garbage" as used in this ordinance shall be held to include every refuse accumulation of animal, fruit or vegetable matter, whether liquid or solid, which attends the preparation, dressing, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables.

Unlawful practice.

SECTION 3. It shall be unlawful for any person to place in such vessel or tank any ashes, tin, glass, refuse, waste, or any material whatsoever except garbage as herein defined.

Collectors must be authorized.

SECTION 4. No person or persons other than those authorized by the City Commission shall collect, remove, appropriate or dispose or cause to be collected, removed, appropriated or disposed of, any garbage; and all garbage found and collected within the city shall be delivered to and received by the person or persons designated by said City Commission for the disposal thereof; any person doing or attempting to do otherwise than herein directed with any such garbage shall be deemed guilty of an offense.

Removal.

SECTION 5. That all garbage shall be removed or hauled in and through said city only in carts or wagons, the beds or tanks of which are water tight, or in watertight barrels, and such carts, wagons or barrels shall be provided with air-tight lids, covers or valves which will prevent the escape of offensive odors therefrom; all such lids, tops or covers or valves shall be shut and securely fastened at all times when garbage is contained therein, and all such wagons, carts or barrels shall be at all times maintained in a clean condition, and shall be thoroughly disinfected whenever required by a proper authority.

Kind of conveyance and receptacle required.

Disinfection.

Penalty.

SECTION 6. And person, firm or corporation found guilty of any violation of any of the provisions of this ordinance shall be fined in any sum not more than fifty dollars, to be collected as other fines are collected and paid into the city treasury to the credit of the general fund.

Repeal.

SECTION 7. Any ordinance or part or parts of ordinances in conflict with any of the provisions of this ordinance be and the same are hereby repealed.

Duty of Health Officer.

SECTION 8. That it shall be and is hereby declared to be the duty of the health officer employed by the Board of Health of said city to take charge and oversight of the enforcement of this ordinance, and to carry the provisions thereof into effect and operation.

Emergency ordinance.

SECTION 9. This ordinance is hereby declared to be an emergency ordinance and necessary for the proper preservation of the public health, and shall be in force and effect from and after passage.

(Ord. Bk. 3, Pages 305-306; Jan. 8, 1915.)

To protect the water works, pipes and machinery belonging thereto, and to prevent the pollution of city water.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Unlawful to pollute city water.

That it shall be unlawful for any person or persons to in any way defile or pollute water in the well or pipes of the water works in said city.

Privy-vaults in certain territory.

SECTION 2. That no person shall construct a privy-vault, or use the same within the territory north of the center line of First Street, and west of the Erie and Miami Canal, unless the same shall be built with walls of brick or stone, not less than eight inches thick, laid with a full joint of cement mortar and plastered inside, and when completed the same shall be perfectly water tight.

Unlawful to injure water works property.

SECTION 3. It shall be unlawful for any person to mar, deface or break or otherwise injure any of the buildings, machinery, pipes, hydrants, valves or other fixtures appurtenant or belonging to the water works of said city, or in any manner disable or obstruct said works, or attempt to disable or obstruct the same, for fire or domestic service.

Penalty.

SECTION 4. Any person, persons or corporation violating any of the provisions of this ordinance shall be fined in any sum not exceeding one hundred dollars, or may be imprisoned in the work-house for a period not exceeding sixty days, or both, at the discretion of the Mayor.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Feb. 15, 1893.)

AN ORDINANCE prohibiting the hauling of any gravel, stone, sand, dirt, offal, garbage, manure, rubbish, lime or other loose material or substances over or through any of the streets of the City of Middletown in any wagon or other vehicle which is not so constructed as to prevent the material with which it may be loaded from dropping, sifting through or in any manner being strewn upon any of said streets.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Hauling gravel, garbage or loose materials, etc.

SECTION 1. It shall be unlawful for any person to haul or transport or cause the same to be done, over or through any of the streets within the City of Middletown, State of Ohio, any gravel, sand, stone, dirt, offal, garbage, manure, rubbish, lime or other loose material or substances in any wagon or other vehicle, which is not so constructed as to prevent the material with which it may be loaded from dropping, sifting through or in any manner being strewn upon any of said streets.

Falling upon street.

Or shall any person move or cause to be moved any vehicle through or upon any of the streets of the city containing any of the materials named herein and so placed on any such vehicle so that the same shall fall off of such vehicle and fall upon any such streets.

Penalty.

SECTION 2. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined not more than twenty-five dollars ($25.00) or less than five ($5.00) dollars for each offense.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 9, Page 441; Aug. 11, 1911.)

RULES AND REGULATIONS OF THE BOARD OF HEALTH.

When to report births.

SECTION 10. Physicians and midwives shall report to the Board of Health all births in the City of Middletown, at which they have assisted professionally, on or before the first day of the month next succeeding that in which the birth may have taken place.

BURIALS.

Burial permit.

SECTION 11. No person shall convey a corpse to or from the City of Middletown without a permit from the health officer. Any person violating the above section shall, upon conviction thereof, be fined in any sum not exceeding fifty (50) dollars.

Penalty.

Burial permits, how obtained. Health Board regulations.

SECTION 12. It shall be the duty of every undertaker, or any other person about to remove any corpse for burial, to obtain from the Board of Health a permit to do so; and before obtaining such permit, he shall deposit with the health officer a certificate setting forth as nearly as possible the name, age, sex, nativity, color and occupation; whether married or single, number and street of late residence, (and when a non-resident, place of previous residence), cause and date of death, duration of last illness, and the place and date of intended interment, which certificate shall be signed by the physician or surgeon in attendance at the time of death; in case no physician or surgeon was in attendance, then the certificate shall be signed by some relative or attendant, and all certificates necessary to complete a proper death return, whether signed by physicians, surgeons, undertakers, or other persons, shall be plainly and legibly written with ink. In case a coroner's inquest shall be held, that fact shall be stated. If any such physician, surgeon, relative or attendant refuse to sign such certificate, such undertaker or other person shall report the same to the health officer, who shall forthwith investigate the case.

BURIAL OF INFECTED CORPSE.

See Sections 23, 24 and 25.

CONTAGIOUS DISEASES.

Board may visit any affected place.

SECTION 13. When complaint is made, or a reasonable belief exists that an infectious or contagious disease prevails in any locality or house, the Board may visit such locality or house, make all necessary investigations by inspection, and discovering that such infectious or contagious diseases exist, send the person so diseased to the pest-house or hospital.

Duty of physicians and house owners.

SECTION 14. The owner or agent of a house in which a person resides who has the smallpox or any other disease dangerous to the public health, and the physician called to attend the person so affected, shall, within twenty-four (24) hours after becoming cognizant of the fact, give notice thereof to the Board of Health, and when a person so affected is removed to a pest-house or hospital, the Board is empowered to use all necessary means to restrain him of his liberty until the danger of infection or contagion from such disease ceases. Any person who fails to comply with any of the provisions of the preceding section shall pay a fine upon conviction thereof not exceeding fifty (50) dollars.

Punishment.

SECTION 15. A person removed to a pest-house or hospital who willfully leaves or escapes therefrom before the physician in attendance issues a certificate of restored health, shall, upon conviction, be fined not less than five (5) dollars, nor more than fifty (50) dollars.

SMALLPOX.

Supervision of patients.

SECTION 16. Whenever a case of smallpox is found within the limits of the city, the Board of Health, or the health officer, is authorized and empowered to exercise complete supervision so far as to prescribe the number of attendants or nurses, or persons who shall be allowed access to the apartment occupied by the person so afflicted, and it shall be the duty of the said health authorities to so restrict the movements of those nursing or in communication with smallpox patients that said persons may be restrained from going about promiscuously among the citizens.

Quarantine.

SECTION 17. In all cases of infectious diseases the Board of Health may quarantine the family or families, in any house or houses, for such time as the attending physician may deem necessary for the prevention of the spread of any infectious disease. The Board of Health shall determine how many nurses may be allowed to enter and leave such quarantined premises. Any person other than those officially permitted to enter, who shall willfully and knowingly enter any quarantined premises shall, upon conviction, be fined not more than twenty-five dollars.

Children not to attend school.

SECTION 18. It shall be unlawful for any child affected with any contagious disease to attend any school (public or private) or any Sunday school, and persons in charge of such schools are required to report to the health officer any such known case in attendance, and to cause such child to return home, nor shall such child be returned to any school without permission from the health officer.

Children from infected houses.

SECTION 19. It shall be unlawful for parents, guardians and all other persons having charge of children attending public schools within the city limits, to permit or allow them to attend the public schools of the city during the time in which smallpox, scarlet fever, diphtheria, or any other dangerous and contagious diseases, which prevail or exist in the residence or buildings wherein such children reside. Any person violating any of the provisions of the preceding section shall, upon conviction, be fined not less than fifteen (15) nor more than thirty (30) dollars.

Notices to be poste on houses.

SECTION 20. It shall be the duty of the health officer immediately upon receiving a notice of the existence of a case of smallpox, scarlet fever, diphtheria, or any other dangerous and contagious disease, to cause to be posted and placed in a conspicuous place upon all houses and dwellings in which patients are confined, having any of said diseases notices in printed form, with large type, and to contain the words: "Diphtheria Within," or "Scarlet Fever Within," as the case may be, and shall be posted on the outside of said houses and dwellings, and on the side thereof fronting or facing the street. Any person who shall tear down, deface, remove, obstruct or destroy, any of the notices provided for in this section, except upon the written order of the health officer, shall be fined in any sum not less than five (5) dollars nor more than fifty (50) dollars.

Infected person no to be remove without permit.

SECTION 21. No person shall, without a permit from the health officer, carry away or remove from any one building to any other, or from any railroad depot to any house, or through the public streets, any person sick of any contagious disease, or any person that has been exposed to and is liable to develop very soon, any such contagious disease, nor any articles that have been exposed to any such disease.

Burial of infecte corpse

SECTION 22. No undertaker or other person shall use any vehicle other than a hearse for the purpose of conveying to any cemetery the body of any person dying from cholera, yellow fever, smallpox, scarlet fever, croup, diphtheria, or other dangerous disease; nor shall the body of any such person be carried in any hall, church, or public place.

Infected corpse to b buried in 24 hour

SECTION 23. The remains of any person dying of any contagious or infectious disease must be buried within twenty-four hours after death has occurred.

Infected corpse.

SECTION 24. The remains of any person dying from any infectious or contagious disease, shall not be placed in any public receiving vault, but the same must immediately be buried, as provided by the preceding section.

Penalty for violation.

SECTION 25. Any person violating the provisions of the preceding section, shall be fined in any sum not exceeding fifty dollars.

NUISANCES—WHAT ARE.

Offensive business. Corrupting water.

SECTION 26. Whoever erects, continues, uses, or maintains any building, structure, or place for the exercise of any trade, employment, or business, or for keeping or feeding of any animals, which by occasioning noxious exhalations or noisome, offensive smells becomes injurious to the health, comfort or property of individuals or the public, or causes or suffers any offal, filth or noisome substance to be collected or to remain in any place to the damage or prejudice of others or the public; or corrupts or renders unwholesome or impure any water-course, stream or water, shall be fined not more than five hundred dollars.

Unlawful deposit.

SECTION 27. Whoever puts the carcass of any dead animal, or the offal from any slaughter-house or butcher's establishment, packing-house, or fish-house, or any spoiled meat or spoiled fish, or any putrid substance, or the contents of any privy-vault, upon or into any lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space or common; and whoever, being the owner or occupant of such place, knowingly permits any such thing to remain therein to the annoyance of any of the citizens of this State; neglects or refuses to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence of such nuisance upon any of the above-described premises owned or occupied by him, or after notice thereof in writing, from any supervisor, constable, trustee or health officer of any municipal corporation or township in which such nuisance exists; or from a county commissioner of such county, shall be fined not more than fifty nor less than ten dollars, and pay the costs of prosecution, and in default of the payment of said fine and costs be imprisoned not more than thirty days; but the provisions hereinbefore made shall not prohibit the depositing of the contents of privy-vaults and catch-basins into trenches or pits not less than three feet deep excavated in any lot, field or meadow, the owner thereof consenting, outside the limits of any municipal corporation, and not less than thirty rods distant from any dwelling, well or spring of water, lake, bay, pond, canal, run, creek, brook or stream of water, public road or highway; provided, said contents deposited in said trenches or pits are immediately thereafter covered with dry earth to the depth of at least twelve inches. Nor shall said provisions prohibit the depositing of said contents into furrows situated and distinct as specified for said trenches or pits; provided, the same are immediately thereafter wholly covered with dry earth by plowing or otherwise; and provided, also, that the owner or occupant of the land in which said furrows are plowed consents and is a party thereto; provided, also, that the Board of Health of any municipal corporation may allow said contents to be deposited within corporate limits into trenches or pits or furrows, situate, distant, and to be covered as aforesaid.

Prosecutions for vic lating four precec ing sections.

SECTION 28. An offense charged under any provision of the two preceding sections shall be construed and held to have been committed in any county whose inhabitants are or have been injured or aggrieved thereby; and the continuance of any nuisance for five days after prosecution commenced therefor shall be deemed an additional offense.

Befouling well spring, etc.

SECTION 29. Whoever maliciously puts any dead animal, carcass, or part thereof, or any other putrid, nauseous or offensive substance into or in any manner befouls any well, spring, brook, or branch of running water, or any reservoir of water works, of which use is made or may be made for domestic purposes, shall be fined not more than fifty nor less than five dollars.

Throwing garbage offal, etc.

SECTION 30. No butchers' offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter, shall be thrown by any person, or be allowed to run into any street, place, or receiving basin or sewer, or into any standing water or excavation, or upon the grounds or premises of any other person in the city.

Casting filth int sewer.

SECTION 31. No person shall cast any filth or substance whatever into sewers or culverts within the city limits, under penalty of being fined in any sum not exceeding twenty dollars and costs.

Offal, etc., carried through streets without permit.

SECTION 32. No person shall remove or carry in or through any of the streets, squares, courts, lanes, avenues, places or alleys of the City of Middletown, any house-dirt or house offal, animal or vegetable, or any refuse substance from any of the dwelling-houses or other places of the city, or the carcass of any dead animal, unless such person so removing or carrying the same shall have procured a permit so to do from the Board of Health prescribing such terms and conditions as may be deemed essential to the health and interest of the city, under penalty of being fined not more than fifty nor less than five dollars.

Owner of dead animal to notify Board of Health.

SECTION 33. It shall be the duty of the owner or owners of any dead animal, within six hours after the death of such animal, to notify the Board of Health of such death, for the purpose of securing the removal of the carcass, under penalty of being fined not more than fifty nor less than five dollars.

ce used on dead bodies.

SECTION 34. It shall be unlawful to deposit on any of the streets, alleys, or other public ways or places of the city any ice that has been used upon dead bodies; and any person found guilty of so doing shall, upon conviction thereof, be fined in any sum not exceeding twenty-five dollars for each and every offense.

Steaming offal, etc. Boiling Bones, etc.

SECTION 35. No person shall boil, heat, steam, or render any offal, swill, bones, or impure animal matter or grease; nor shall the business of bone-crushing, bone-boiling, bone-grinding, lime-burning, nor the skinning or making of glue from any dead animal or parts thereof, nor any other occupation that is dangerous or detrimental to comfort, life, or health, be permitted in the city.

How garbage, etc., is to be disposed of.

SECTION 36. No person or persons shall throw or lay any ashes, offal, vegetables, garbage, cinders, shells, straw, shavings, dirt, old hoops, or rubbish of any kind whatever, nor allow any noxious, impure, or offensive liquid to run or flow into any street, lane, alley, or public place in the City of Middletown. But all garbage, vegetables and offal shall be placed in water-tight barrels, boxes, tubs, or any other vessels, unmixed with ashes, shells, cinders, dirt and rubbish of any kind and all such vessels, whether of ashes, etc., or of garbage, etc., shall be kept in a convenient place for removal.

Overturning garbage, etc., barrels in street.

SECTION 37. No person shall turn over or upset on any street, sidewalk, lane, alley, or public place, the contents of any tub, box, barrel, or other vessel containing any garbage, ashes, etc., as specified in the preceding section, under penalty of being fined not more than ten dollars.

Throwing garbage, offal, etc., into sewer.

SECTION 38. No butchers' offal or garbage, dead animals, or obstructions of any kind whatever, shall be placed, thrown or deposited in any receiving basin or sewer, under penalty of fine of not more than fifty dollars.

Keeping offal, garbage, etc., on premises.

SECTION 39. No person shall cast into or permit to remain in or upon any part of the premises occupied by him or her, or in or upon any private alley, any kitchen, offal, refuse matter or filth of any kind, after having been notified that carts or other means are employed for carrying the same away, under penalty of being fined in any sum not exceeding twenty dollars and costs.

NUISANCES—ABATEMENT OF SAME.

Suppressions of nuisances by the Board.

SECTION 40. The Board may abate and remove all nuisances within the corporate limits, and assess the costs and expenses of the same upon the property wherein such nuisance is situated, which assessment when duly certified by the President of the Board of Health to the County Auditor, shall become a lien, to be collected as other taxes in favor of the corporation; compel the owners, agents ,assignees, or tenants of the lot, property, house or buildings upon or in which any nuisance may be, to abate and remove the same.

Nnuisances to be abated by the Board.

SECTION 41. When any building, erection, excavation, premises, business, pursuit, matter or thing, or the sewerage, drainage or ventilation thereof is, in the opinion of the Board, in a condition dangerous to life or health, the Board shall declare the same to the extent it may specify a public nuisance, or dangerous to life or health; and the Board may order the same to be removed, abated, suspended, altered, or otherwise improved or purified as in the order shall be specified and cause the order before its execution to be served on the agent, owner, occupant, or tenant, or such of them as are in the corporation and can be found.

Temporary suspension of above order.

SECTION 42. If the party so served, before the execution of the order is commenced, apply to the Board to have the order or execution stayed or modified, it shall be the duty of the Board to temporarily suspend or modify it, and to give the party, as the case in the opinion of the Board may require, a reasonable and fair opportunity to be heard before the Board, and to present proofs and facts against the declaration and the execution of the order, or in favor of its modification.

Duty of owner to comply with direction.

SECTION 43. It shall be the duty of the owner of the property where any nuisance is situated, or his agent or attorney, after service of a copy of the resolution of the Board of Health, or after publication of the same in any newspaper of general circulation in the City of Middletown, for two consecutive weeks, to comply with the directions of the resolution within the time specified therein.

To be done at owner's expense.

SECTION 44. In case of failure or refusal to comply with the resolution, the work required thereby may be done at the expense of the corporation, and the amount of money so expended shall be recovered from the owner before a justice of the peace or other court of competent jurisdiction; and such expense shall from the time of the adoption of the resolution be a lien on such lot, which may be enforced by suit in the common pleas court; and like proceedings may be had as directed in relation to the improvement of streets.

Duty of Health Officer to enforce the three preceding sections.

SECTION 45. It shall be the duty of all officers connected with the Board of Health to see that the provisions of the three preceding sections are strictly and promptly enforced.

To grant permits.

SECTION 46. The Board of Health be and the same is hereby authorized and empowered to grant permits to any person or persons to remove the contents of all boxes, barrels, or other vessels containing garbage, vegetables, offal, ashes, dirt or other rubbish of any kind, under such conditions as it may deem proper.

Permission to remove the contents.

SECTION 47. All persons desiring permission to remove the contents of such boxes may obtain a permit to do so by applying to the health officer, and by filing a bond with two or more sureties, and in the sum of $200, and conditioned that the person to whom the permit is granted will remove such contents at least three times per week during the months of April, May, June, July, August, September and October, and at least once per week during the months of November, December, January, February and March. And that he will faithfully comply with the ordinances of the city, and with the rules and regulations of the Board of Health that are now in force, or which may be hereafter established.

SECTION 48. It shall be unlawful for any person or persons not authorized by the Board of Health to molest or carry away the contents of such boxes, barrels or other vessels.

PRIVY-VAULTS AND WATER CLOSETS.

Vaults to be two feet from street or adjoining property.

SECTION 49. No person shall construct a privy-vault or cess-pool less than two feet distant from any street, avenue or alley within the city limits, nor less than two feet distant from the boundary line of any adjoining property, without the written consent of the proprietor thereof; nor within distance of less than eight feet from any water cistern, and twenty feet from any well, under penalty of being fined not more than twenty-five dollars.

Construction of privy vaults and water closets.

SECTION 50. All privy-vaults, within the territory comprised north of First Street, and west of the Miami and Erie Canal, shall be built with walls of brick or stone, not less than eight inches thick, laid with a full joint of cement mortar and plastered inside, and when completed shall be perfectly water-tight.

SECTION 51. No privy-vault shall be constructed without a permit from the health office, nor shall any privy-vault be constructed on any premises where there is a sewer on any street or alley on which the said premises abut without the permission of the health officer, and all applications for permission to dig a privy-vault must be accompanied by a certificate from the City Commissioner stating that there is not any sewer so situated with respect to said premises.

SECTION 52. Basin water closets of approved design may be connected with the sewers. They must be so constructed as to have a proper supply of water, and allow them to be flushed out at least once a day, and they must be flushed out clean to the bottom, and any neglect or failure on this point will render the offender liable to be prosecuted for causing a nuisance. They must also be so constructed that the contents cannot pass into the sewer without a sufficient supply of water passing into the sewer at the same time.

SECTION 53. No sewer pipe for water closet, or any other connection, shall be allowed inside any house of building without a proper and approved means of ventilating the said pipe, so as to effectually prevent sewer gas from entering the said house of building.

SECTION 54. No person shall construct or alter any water closet or catch-basin for the purpose of connecting any premises with any sewer, drain, or privy-vault, or for any other purpose, without first obtaining from the health officer a permit to do so, and such construction or alteration shall conform to the rules and orders of the Board of Health.

SECTION 55. No privy-vault shall be constructed wherever a sewer connection can be made, without the permission of the health officer.

SECTION 56. All privy-vaults shall be at least ten feet deep.

SECTION 57. Privy-vaults must be made with walls of stone, brick or cement, except as provided for in Section 50.

SECTION 58. No roof or surface water, nor kitchen slops, shall be allowed to flow into any privy-vault, nor shall any garbage, meats, offal, or rubbish of any kind, be deposited in any privy-vault.

SECTION 59. No privy, or water closet, shall be constructed having any pipe connected with the interior of a house, unless so arranged as to prevent the admission of gas into such house. Privy-vaults that are to be abandoned will not be allowed to be arched over, but must be cleaned out and afterward filled up with earth.

Permits — How obtanied.

SECTION 60. Any person about to engage in vault cleaning shall apply to the Board of Health for a permit to do so, and shall give a bond in the sum of $1,000.00, with two or more sureties, conditioned that he will faithfully comply with all the rules and regulations of the Board of Health now in force, or which may be hereafter established. He shall also exhibit for inspection to the sanitary officer all tanks and carts to be used for that purpose, and the places where the same are to be stored, and the sanitary officer shall issue a certificate that said tanks, or carts and tools, and the enclosure, barn or stable where the same are to be kept are in accordance with the rules and regulations of the Board of Health, which certificate shall accompany the application for a license.

Cleaning and emptying vaults. Night carts.

SECTION 61. In no case shall the contents of any privy be removed unless the same is properly disinfected before the work is commenced, and also during the progress of the cleaning and after the completion of the cleaning. This business shall be carried on with the most strict regard to cleanliness.

SECTION 62. All carts, tanks and vessels used for the purpose must be water-tight, and the same must be thoroughly washed and disinfected immediately after being emptied.

SECTION 63. No person shall engage in vault cleaning without a permit from the health officer, and any person holding such permit will forfeit the same by failing to comply with the foregoing terms and regulations, and such other rules of the Board of Health may hereafter adopt. Such permit shall fully specify the name of the owner or agent of the property on which the vault is situated, and it shall designate its loeeation, as well as the day or night that the work is to be done, and within the hours to be hereafter mentioned.

Section 64. Permits shall be issued for the cleaning of vaults at all times from 10 P. M. until 5 A. M. nightly, excepting Saturday nights, when the time shall be from 10 P. M. until 12 M., and Sunday nights from 12 M. to 5 A. M.

Section 65. Sunday permits shall not be issued; but it is provided that, in cases of great emergency, the health officer, if necessary for the public good, issue special permits at any time for the cleaning of vaults, but with this exception this regulation must be strictly adhered to.

Section 66. Night carts must not be taken from their respective stables or places of storage until 10 P. M., and must be returned to the same place not later than 5 A. M.

Section 67. All persons licensed to clean vaults shall provide a suitable barn, stable or inclosure for the proper storage of their tanks, carts and tools, and in no case will a tank or cart be permitted to stand upon the streets, alleys or vacant lots except when actually employed and in use in the business of vault cleaning.

Section 68. The sanitary officer shall, at least once a month, cause every tank and cart that is used in the business of vault cleaning to be carefully inspected, and if any tank or cart shall be found in a leaking condition, or from any cause unfit for use, he shall notify the owner of the same that it must go out of service until placed in good condition.

Section 69. Whenever the use of any privy-vault is discontinued such vault must be cleaned to the bottom and filled up with earth, or other suitable material, such filling to be done under the supervision of a sanitary officer.

SECTION 70. When an order to clean a privy-vault shall be issued by the Board of Health or health officer, the contents thereof shall be cleaned to the bottom.

SECTION 71. Vaults may be ordered cleaned whenever the contents shall be within four feet of the ground surface or whenever from foulness or other cause it may be deemed necessary to clean them.

How sewer conn
tions must be ma

SECTION 72. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the public sewers has been laid for the purpose of carrying off animal refuse from water closets, slops from kitchens, or for other purposes, to allow the same to remain without good and perfect fixtures so attached as to allow a sufficiency of water to be so applied as to properly carry off such matters, and to keep the same unobstructed. Each day the same are permitted to remain without such fixtures for supplying said water shall be deemed a separate and distinct offense.

LIVE STOCK AND MEAT.

Selling diseased a
mal; allowing sa
to run at large.

SECTION 73. Whoever being the owner or having charge of any sheep, goat, cow, ox, steer, bull, heifer, or swine, knowing the same to have any infectious or contagious disease, or to have been recently exposed thereto, sells, barters, or disposes of such animal without first disclosing to the person to whom the same is sold, bartered or disposed of that such animal is so diseased, or has been so exposed as aforesaid, or knowingly permits such animal to run at large, or knowing such animal to be diseased as aforesaid, knowingly permits the same to come into contact with any such animal of another person without his knowledge or permission, shall be fined not more than five hundred nor less than twenty dollars.

Penalty.

Importation of cat
with Spanish fe
unlawful.

SECTION 74. Whoever, except common carriers not the owners of cattle transported by them, brings into this city any cattle infected with the disease commonly known as the Texas or Spanish fever, or cattle liable to impart such fever to other cattle, shall be fined not more than five hundred nor less than fifty dollars.

Diseased sheep not to run at large or be sold.

SECTION 75. Any person owning or having in charge any sheep affected with foot rot or scab, who shall suffer the same to run upon any highway, common, or uninclosed ground, or shall sell such sheep, knowing, or having reason to believe them diseased, without disclosing the fact to the purchaser, shall, upon conviction of either of said offenses, be fined in any sum not exceeding one hundred dollars, and be liable to the parties injured for all damages sustained.

Calf under four weeks not to be slaughtered or its flesh to be sold.

SECTION 76. Whoever kills, for the purpose of sale, any calf less than four weeks old, or sells, or has in his possession with intent to sell, in the City of Middletown, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than fifty dollars.

Unwholesome, etc., meat not to be sold.

SECTION 77. No person shall sell, or offer for sale, in the City of Middletown, any unwholesome meat, or the flesh of any dead animal which was sick or which died a natural death, or was killed by accident, nor shall any person sell or expose or offer for sale any putrid, blown, or unsound meat, under penalty of being fined not less than five nor more than twenty-five dollars.

Diseased cattle or meat not to be brought to city; condemnation of cattle and meat by inspector.

SECTION 78. No person shall bring into this city or sell, or offer for sale, any cattle, sheep, hog, or lamb, nor any meat, fish, game, or poultry, that is diseased, unsound, unwholesome, or that for any other reason is judged to be unfit for human food.

Pregnant or overheated animals not to be slaughtered.

SECTION 79. No person shall kill any cow, sheep or hog that is pregnant, nor shall any animal be slaughtered while it is in an overheated or feverish condition; and the meat of any such animal shall not be held or sold, or offered for sale for human food in any market or elsewhere in this city.

Cattle with diseases to be confiscated.

SECTION 80. No person shall bring into the city, or sell, or offer for sale, any cattle unfit for use, or cattle which have been exposed to, or are liable to communicate the "cattle disease" nor the meat nor milk of any such cattle. All such cattle, meat and milk shall be confiscated and destroyed.

SECTION 81. No pig or lamb, or the meat thereof, shall be bought, held, or offered for sale for human food in this city which when killed was less than one month old.

Immature pig lamb, or fle thereof, not to sold for food.

SECTION 82. No cattle shall be slaughtered, dressed, or hung, or the meat of any thereof, wholly or partly, within any street, avenue or sidewalk, or public alley, or place, nor in any place or said position that said killing (or bodies or parts of such animals, when hung, and before they have ceased to bleed) shall be in view of any such street, avenue or alley, or the persons who may be therein; nor shall any blood or dirty water or other substance from such cattle, meat or place of killing, or the appurtenances thereof, be allowed to run, fall, or to be in any street, avenue, sidewalk, alley or place.

Slaughtering not be public, etc.

SECTION 83. No butcher or other person shall kill or slaughter any beeves, calves, sheep, hogs, or other animals within said city, except the house, yard, pen, or place shall have a perfectly water-tight floor, in which there shall be no breaking of joints nor openings of any kind for any purpose, excepting such as shall have a water-tight tube with grating, one-half inch holes, making a direct connection with the sewers, and the earth beneath it made sufficiently solid to prevent its becoming the receptacle of filth and offensive matter; also no hog or other animal shall be permitted to run or remain under any slaughter-house; and, moreover, the whole shall be washed and cleansed at the end of every day; and, further, that each slaughter-house, or place occupied for killing of animals as aforesaid, shall be whitewashed at least once in every month, between the first of April and the first of November in each year.

Slaughtering an slaughter pen Regulations.

MARKETS.

SECTION 84. No person shall bring into Middletown, or sell, or offer for sale, any cattle, sheep, hog or lamb, nor any meat, fish, game, or poultry, that is diseased, unsound, unwholesome or unfit for human food.

SECTION 85. No cattle shall be placed or carried while bound or tied by their legs, or bound down by their necks, in any vehicle in Middletown, but shall be allowed freely to stand in such vehicle when transported and while being therein.

SECTION 86. No person shall offer or have for sale in Middletown, any watered or adulterated milk, or milk from cows that for the most part are kept tied up in stalls, or that are fed on swill, garbage, or other like substances, or any butter or cheese made from any such milk.

SECTION 87. No person shall hold, sell, or offer for sale, or bring into Middletown, any decayed, or damaged vegetables or fruit.

SECTION 88. Any person found violating any preceding section shall, on conviction thereof before the Mayor, be fined in any sum not exceeding twenty-five dollars and costs of prosecution.

WHEREAS, in the opinion of the Board of Health of the City of Middletown, State of Ohio, the rendering of lard and tallow and the storing of bones, tallow, hides and other materials of like character, any place within the corporate limits of the City of Middletown, Ohio, is obnoxious and offensive and a public nuisance, and the same is hereby declared to be a public nuisance.

Therefore, BE IT RESOLVED:

Rendering tallow and lard.

That all persons rendering tallow and lard, or storing bones, tallow, hides and other materials of like character, be and the same are ordered and directed to cease the rendering of tallow and lard and abate such nuisance on or before June 15, 1911.

Any violation of the provisions of this resolution shall be punished as provided by law.

This resolution shall be in force from and after its passage.

(May 5, 1911.)

MILK—PRODUCTION, INSPECTION AND DISTRIBUTION.

A RESOLUTION.

BE IT RESOLVED by the Board of Health of the City of Middletown, State of Ohio:

That the following regulations are necessary for the public health, and are hereby adopted as regulations of this Board.

PERMITS.

Sellers of milk must have permit.

No person shall sell, deliver or offer for sale, within the city limits, any milk without a permit so to do, from the Board of Health. Such permit shall be furnished gratuitously to applicants on condition that all the laws, ordinances and regulations concerning dairies, milk, milk dealers and dairy products be strictly complied with; and such permits shall be revoked by the health officer for violation of any of the above conditions.

Revocation of permit.

MILK PRODUCTION.

Production.

No milk shall hereafter be produced, sold, exposed for sale or delivered within the City of Middletown, unless it is produced and handled in accordance with the requirements of these regulations.

Examination of cows by veterinarian.

All premises whereon milk is produced or handled for sale or distribution in the City of Middletown, shall be open to this Board for inspection at any time, and owners of cows from which said milk is produced shall permit a veterinarian to examine said cows at any time this Board may so require.

Unfit premises to be vacated.

The Board of Health, whenever it may be deemed necessary, shall cause to be vacated, any stable or stables or other places where cows are kept for the production of milk, to be used for sale in the City of Middletown, Ohio, which shall on inspection of the health officer or his assistants, be found to be unfit for the purposes of a dairy, or not plentifully supplied with wholesome water.

THE STABLE AND SURROUNDINGS.

Premises to be sanitary.

The surroundings to the stable must be kept in a sanitary condition. Cows must not be allowed to stand in manure and filth.

Care and construction of stable.

All parts of stables, except floors and windows, must be painted in some light color, or whitewashed at least twice a year. Stables must be kept free from dirt ,dust, cobwebs and odor. Manure and urine must be removed from stable at least twice daily, and if not taken to field daily, must be moved at least thirty feet from stable and placed where cows cannot get into it. Manure must not be thrown out through stable windows. If horses are kept in same stable, a tight partition should separate them from cattle. No other animals or fowls will be allowed in cow stable. Floors must not be laid less than one foot higher than outside surface level, so that good drainage can be procured. Floors must be constructed of asphalt, concrete or brick, with surface flushed with cement, or of wood, water tight. They must be kept in good repair at all times and also constructed with a gutter not less than twelve (12) inches wide and six (6) inches deep; a four (4) foot walk back of cow and not less than a twenty (20) inch manger in front.

The ceiling must be dust tight and kept free from cobwebs. At least four (4) square feet of unobstructed window glass or muslin must be provided per cow and equally distributed. At least five hundred (500) cubic feet of air space must be kept partially open (unless made of muslin), if no other method of ventilation is provided for.

Stable yard must be well drained and kept clean.

COWS.

Cows must be kept clean; manure, litter, etc., must not be allowed to become caked and dried on them. They must not be allowed to stand in or wade through filth and manure.. The bedding must be kept sweet and clean at all times and of sufficient quantity to protect the animals from lying in filth.

Cows to be kept clean.

The udders shall be washed or wiped with a clean damp cloth, immediately before milking.

No milk shall be obtained from any cow which has calved within ten (10) days, or from any cow within thirty (30) days before the normal time of calving.

Milking prohibited.

FEED AND WATER.

Cows must be fed on clean dry feed, neither decayed, mouldy, dusty, distillery waste nor starch waste. If malt is fed it must not be fed when sour. Pure running spring water or ordinary well water, free from contamination, pumped in clean tanks, must be provided.

Feed and water.

EMPLOYEES AND UTENSILS.

All milkers and all other attendants handling milk in any dairy shall be personally clean. When entering upon their duties connected with the dairy, their hands and outer garments must be clean.

Employees to be clean.

Utensils used for the collection and transportation of milk, shall before being used, be thoroughly washed with hot water and soda or soap, or by some other approved means, and then sterilized by steam and boiling water.

Utensils to be sterilized.

HANDLING THE MILK.

Immediately after milking, the milk shall be removed from the stable into a milk room screened from flies and other insects, strained, aerated and cooled at least 50 degrees F., and put into perfectly clean bottles or cans and then kept at a temperature of 50 degrees F. or lower.

Handling of milk.

MILK HOUSE OR MILK ROOM.

Care and construction of milk house.

The milk house or milk room shall be properly ventilated and lighted, and shall be used for no other purpose, and shall at all times be in a clean and sanitary condition, and shall not be connected with any stable, barn or dwelling. There should be a clear and sufficient air space between the cow barn and milk room.

The floor should be water tight and either of concrete or wood, and laid so as to provide drainage. The side walls and ceiling should be tight and smooth and always free from dust. All windows and doors must be thoroughly screened against flies and other insects.

MILK DELIVERED IN BOTTLES.

Milk must be sold in bottles.

No person, firm or corporation, except such as may sell for consumption on the premises where sold, and dealers in dairy products exclusively, shall sell, offer for sale, expose for sale or keep with the intention of selling, any milk or cream, or both, in the City of Middletown, Ohio, unless such milk or cream is kept, offered for sale, exposed for sale, or sold in tightly closed and capped bottles or receptacles of a similar character, which may be approved by the Board of Health of said city; and owners or operators of dairies and all drivers of wagons who sell milk or cream at retail or deliver the same from wagons, shall carry, sell and deliver such milk and cream only in bottles or other approved receptacles as aforesaid. All milk or cream so sold in bottles or other receptacles not to be consumed on the premises where sold, shall be taken and carried to the residence of the purchaser or the place where intended for use in said bottles or receptacles, and not otherwise.

EQUIPMENT REQUIRED FOR SALE.

Milk depot or creamery must be equipped for selling and storing.

No milk or cream shall be sold, offered for sale, exposed for sale or kept with the intention of selling, in or at any milk depot, creamery, store or other place of business unless such milk depot, creamery, store or other place of business shall be equipped for selling said milk and cream, and the same shall be kept therein at a temperature of fifty (50) degrees or lower F.

The provisions of the section relating to the selling of milk and cream in bottles shall not apply to bona fide dealers in milk and cream at wholesale, who shall sell at any one time, a quantity of not less than two gallons of milk or two quarts of cream, and who shall each have a separate room in which said milk and cream shall be kept or offered for sale, with a floor space at least ten (10) feet square, with suitable ventilation, and provided also with an additional room in which shall be washed and cleaned all cans, bottles or other receptacles and utensils of any kind used in connection with said business, all of which shall be subject to the approval of the Board of Health.

Wholesaler, properly equipped, may not use bottles.

BOTTLES.

No person shall use a milk bottle for other than milk purposes.

Use of milk bottles.

QUALITY OF MILK.

No person shall bring into the city for sale, or shall sell or offer for sale, any milk:

Requirements as to quality.

(a) Containing more than "88 per cent" of water or fluids.

(b) Containing less than "12 per cent" of milk solids.

(c) Containing less than "3 per cent" of milk fats.

(d) From which any part of the cream has been removed.

(e) Having a specific gravity of less than 1.029.

(f) Containing any dirt, foreign matter or sediment.

(g) Containing any boracic or salicylic acid, formaldehyde or other foreign chemicals.

(h) Containing any pathogenic bacteria.

(i) Containing bacteria of any kind, more than 500,000 per cubic centimeter.

(j) Drawn from any cow having a communicable disease or showing clinical symptoms of tuberculosis, or from a herd which contains any diseased cattle or are afflicted with or exposed to any communicable disease.

(k) Drawn from any cow which has been fed on garbage, refuse, swill, moist distillery waste or other improper food.

(l) Which has existed or has been kept under conditions contrary to the provisions of this code.

(m) No milk shall be kept, sold, offered for sale or drawn from cows suffering with sore and inflamed udders and teats, or from cows diseased.

(n) No milk in partially filled bottles shall be sold or offered for sale, and no bottles shall be filled, capped or recapped outside of the dairy building, regularly used for this purpose.

Provided, that the subdivisions a, b, c and d shall not apply to milk sold under the title of "skimmed milk."

RETAILERS.

Record to be kept of dairymen from whom milk was obtained.

All grocers, bakers or other persons having or offering for sale, milk or cream, shall at all times keep the names and addresses of the dairymen from whom the milk on sale was obtained, posted up in a conspicuous place wherever such milk may be sold or offered for sale. If skimmed milk or pasteurized milk is kept or offered for sale, each and every container of such milk shall be plainly marked with the words, "skimmed milk" or "pasteurized milk," as the case may be.

Skimmed milk.

No person shall bring into the city for sale or sell or offer for sale, milk from which the cream has been removed, either in part or in whole, unless plainly marked on the container, "skimmed milk."

CONTAGIOUS DISEASES.

Notice to health officer in case of disease.

Should scarlet fever, smallpox, diphtheria, typhoid fever, tuberculosis or other dangerous or infectious disease occur in the family of any dairyman, or among any of the employees of any person who ships milk into the city for sale, such dairyman, such venders or shippers of milk, shall immediately notify the health officer of the facts of the case, and the health officer shall at once investigate and order the sale of such milk stopped, or sold under such regulations as he thinks proper.

Duty of health officer.

Seizure and destruction of milk by health officer.

Should dairymen, venders or shippers of milk fail to notify the health officer when contagious diseases exist in their families or in the families of their employees, or who, after such information is given the health officer, fail to obey his directions, the milk and dairy inspector or health officer shall seize and destroy all milk sent into the city by such persons and he shall, when acting in good faith, be held harmless in damages thereof in any suit or demands made.

Contagious disease in family to which milk is delivered.

In delivering milk to families in which there exists any of the above named contagious or infectious diseases, the dairyman shall not enter, neither shall he permit any of his milk bottles or vessels to be taken into such houses, but shall pour such milk as each family wishes, into vessels furnished by such families.

MILK INSPECTORS.

Who may make examination or inspection.

The milk or dairy inspector, the health officer or any person authorized by the Board of Health, may examine all dairy herds, utensils for handling milk of all dairymen engaged in selling or shipping for sale, milk or cream to the City of Middletown, Ohio. These inspectors shall have the power to open any can, vessel or package containing milk or cream, whether sealed or otherwise, or whether in transit or otherwise, and take samples of the milk or cream for testing or analysis; and if, upon inspection, the milk or cream is found to be filthy or the cans or other containers are in an unclean condition, the said inspector may then and there condemn the milk or cream as deemed by him to be filthy, and pour the contents of such bottles, vessels or packages upon the ground forthwith, and he shall, if done in good faith, be held harmless in damages therefore in any suit or demand made.

Condemnation of milk.

PENALTY FOR VIOLATION.

Penalty.

Whoever violates any provisions of these regulations of the sanitary code of the City of Middletown, Ohio, shall be fined in any sum not exceeding one hundred dollars ($100.00).

These rules and regulations shall take effect and be in force on and after the first day of June, nineteen hundred and ten.

(April 1, 1910.)

PLUMBING AND SEWERAGE.

Construction, Alteration and Inspection.

BE IT ORDAINED by the Board of Health of the City of Middletown, State of Ohio, that the construction, alteration and inspection of plumbing and sewerage in or for any building in the City of Middletown, shall be installed in accordance with the following rules and regulations:

Plumber's license.

SECTION 1. (License to be obtained.) No person or persons, firm or corporation, shall in the City of Middletown engage in the business of plumbing until he, it or they have obtained a license so to do from the Board of Health of the said city.

Application and bond.

SECTION 2. (Application, Bond.) Applications for license shall be made on blank forms prescribed and provided by the said Board of Health, and shall be accompanied with a bond, with surety to the approval of said Board in the sum of five hundred dollars ($500.00.) Conditioned that the applicants will save said city harmless from all damage that may arise from negligences of such applicants, and that they will conform to these rules and regulations, and to such other requirements as said Board may make in relation to plumbing. Licensed sewer tappers or sewer contractors will not be permitted to make connection to plumbing work. Such connections must be made by a licensed plumber.

Conditions of license.

Necessity of permit.

SECTION 3. (Permit to be issued.) No plumbing work shall be done in said city, except in case of repairs or leaks, without a permit being first issued therefor by said Board of Health. Applications for permits shall be made on blank forms provided by said Board and each application for a permit shall be accompanied with a fee of one dollar ($1.00) and an additional charge of fifty cents (50c) for each trap or vented fixture, up to and including ten fixtures, and for each trap or vented fixture over ten a further charge of ten cents (10c) be made to pay the expense of issuing and inspecting same, which fee shall be deposited in the treasury of said city to the credit of the health fund. A permit is required for all systems of plumbing changed from cesspool to sewer, and such plumbing systems shall be inspected and tested in such manner as will insure the efficiency of the system.

Application fee.

Permit required.

SECTION 4. (Inspector to approve plans.) No such permit shall be issued until suitable plans and a description in duplicate of the work to be done have been submitted to the inspector of plumbing, hereinafter designated as the inspector and have been approved by him.

Approval of plans by inspector.

SECTION 5. (When work to begin.) If work is not begun under the approved plans within six months from date of approval, such approval shall be deemed to have expired by limitation.

Commencement of work.

SECTION 6. (Record to be kept.) The inspector shall keep a record of all plans and descriptions submitted to him hereunder, together with his action thereon, and he shall also make a record of the plumbing in each building in the City of Middletown.

Record to be kept.

SECTION 7. (Inspection.) The inspector shall be notified by the person doing same when any plumbing work is ready for inspection. All parts of every plumbing system shall be made perfectly gas tight. All soil, waste and vent pipes when placed in position shall be tested by the water test in the presence of the inspector. All plumbing systems when completed, and before being used, shall be tested by the water test in the presence of the inspector, and if he is satisfied that the work is done in accordance with the laws of the state or the rules and regulations of the Board of Health, he shall issue a certificate of approval; but otherwise shall disapprove the same, and said plumbing systems shall not be put to any use until they have been altered as

Inspection.

Certificate of approval.

prescribed by him, and received his approval. All plumbing work shall be left uncovered and convenient for inspection, until examined and approved by the inspector.

When pefmits are required.

SECTION 8. (Permits.) When required, permits will be given, whatever may be its size or character, and for all work and remodeling, extension, alteration or reconstruction. Permits be required for the repairing or replacing of any old fixture, faucet or valve by a new one, to be used for the same purpose forcing out stoppage, repairing leaks or relieving frozen pipes or fittings; but such repairs or alterations shall not be construed to include cases where new vertical or horizontal lines of soil, waste, vent or interior leader or conductor pipes are used or their relative locations changed, provided that, in a building condemned by the proper authorities because of insanitary conditions of the house drainage or plumbing, no such drainage or plumbing shall be considered as coming under the head of repairs; but all such house drainage or plumbing shall be done as in the case of new buildings, and will require a permit.

Appointment of plumbing inspector.

SECTION 9. (Plumbing inspector.) The Board of Health shall appoint for the purpose of the enforcement of these rules and regulations and the provisions thereof, an inspector of plumbing. Said inspector of plumbing shall be a practical plumber with at least seven (7) years' experience, selected from those persons who are well informed as to practical plumbing, skilled and well trained in matters pertaining to the sanitary regulations concerning plumbing work. The inspector so appointed shall not, during his term of office, be engaged or interested in the plumbing business, or the sale of any plumbing supplies, nor shall he act as agent, directly or indirectly, for any person or persons so engaged. The salary of the inspector shall be twelve hundred dollars ($1200.00) per annum, payable monthly.

Qualifications.

Salary.

When rules to apply.

SECTION 10. (Rules, when apply.) The foregoing rules and regulations shall apply only to plumbing work hereafter constructed, extended or remodeled.

SECTION 11. (Violations.) In case of the violation of the foregoing rules and regulations, or any part thereof in the doing of any plumbing work, the approval of the plans and description thereof shall be nullified by the Board of Health, and notice thereof shall at once be given to the plumbers having charge of the work and doing same, and the owner of the building or his agent, and thereupon all work shall immediately cease and work thereunder shall not recommence until such plans and descriptions have been reapproved by the inspector.

Action in case o violation.

SECTION 12. (Penalty, arrest and prosecution.) Failure or refusal to obey these rules and regulations will be prosecuted as provided in the General Code of Ohio.

Penalty.

SECTION 13. (Takes effect.) These rules and regulations take effect and be in force from and after January 1, 1914.

(July 18, 1913.)

WHEREAS, the State Board of Health has approved the following substitution to the rules and regulations of the said Board, governing the construction, installation and inspection of plumbing and drainage, to-wit:

"That the waste pipe of a bath tub, basin or sink in any residence, flat or apartment house, be allowed to connect to a lead bend without reventing the closet bend, providing the trap of the bath tub, basin or sink is properly vented."

BE IT ORDERED by the Board of Health of the City of Middletown, Ohio, that the above substitution shall be and it is hereby declared to be effective in the City of Middletown, Ohio, from and after the passage of this order.

(May 14, 1915.)

FIREWORKS.

AN ORDINANCE to prohibit the selling or giving away or the possession, custody or control, for the purpose of selling or giving away of any combustible fireworks or article for the making of a pyrotechnic display in the City of Middletown.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Selling or giving away fireworks.

SECTION 1. That no person, firm or corporation shall within the City of Middletown, Ohio, sell, offer for sale or give away, or have in his or its possession, custody or control for the purpose of selling or giving away in the City of Middletown, Ohio, any toy pistol, squib, rocket, firecracker, romain candle, fire balloon, or other combustible fireworks, or any article for the making of a pyrotechnic display; provided, however, that nothing in this section contained, shall be construed to prohibit the Mayor from authorizing pyrotechnic displays of fireworks in any park or other public places whenever so authorized by resolution of Council, and provided further, that nothing in this ordinance contained shall be construed to prohibit the possession, custody or control of the above named articles by wholesalers when held in transit, or for the sale and delivery to points outside of the City of Middletown, Ohio.

Displays of fireworks may be permitted.

Sale and delivery to points outside of city.

Penalty.

SECTION 2. That any person, for himself or as agent for any other person, firm or corporation, violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten dollars ($10.00) and not more than one hundred dollars ($100.00.)

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 50; Jan. 14, 1910.)

AN ORDINANCE to prohibit the discharge of fireworks in the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Discharge of fireworks.

SECTION 1. Whoever shall throw, cast, set off or let off, or cause to be thrown, cast, set off or let off, any sky-rocket, squib, cracker, fire-cracker, fireworks or other thing charged with gun powder or other explosive substance or material, or place or cause to be placed on any street, railroad track, interurban or steam railroad tracks, any explosive substance or material, in this city, without a written permit from the Mayor, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than one dollar ($1.00) nor more than twenty-five dollars ($25.00.)

Written permit necessary.

Penalty.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 51; Jan. 14, 1910.)

To regulate the sale to minors of ammunition for toy pistols and torpedo canes and of blank cartridges.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Sale of explosives and ammunition.

SECTION 1. The sale, within the corporate limits of the City of Middletown, to minors, of caps or other explosive devices used in the discharge of toy pistols and torpedo canes and of all blank cartridges, whether for use in pistols, revolvers or cannons, be and the same is hereby prohibited.

Penalties for violation.

SECTION 2. Any person making any sale contrary to the provisions of this ordinance shall, on conviction thereof, be fined in a sum not less than five dollars nor more than ten dollars, and the costs of prosecution for each offense.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 11, Page 583; June 10, 1904.)

CURFEW.

Prohibiting persons under sixteen years of age from being on the streets, alleys or public places in the City of Middletown at night after the hour of nine o'clock P. M., from April 1st to Oct. 31st, inclusive, of each year, and from Nov. 1st to the last day of March, inclusive, of each year after the hour of eight o'clock P. M., except under certain conditions, and the prescribed penalties for the violation thereof.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Curfew ordinance.

SECTION 1. It is hereby made unlawful for any person under sixteen years of age to be or remain in or upon any of the streets, alleys or public places in the City of Middletown, Ohio, at night after the hour of nine o'clock P. M, from April 1st to Oct. 31st, inclusive, of each year, and from Nov. 1st to the last day of March, inclusive, of each year after the hour of eight o'clock P. M., unless such person is accompanied by a parent, guardian or other person having the custody of such minor person, or is in the performance of an errand of duty directed by such parent, guardian or other person having the care and custody of such minor person, or whose employment makes it necessary to be upon said streets, alleys or public places during the night time after said specified hours.

Fixing of time.

Unlawful to permit child on street.

SECTION 2. It is hereby made unlawful for any parent, guardian or other person having the care and custody of any person under sixteen years of age to allow or permit any such child, ward or other person under such age while in legal custody, to go or be in or upon any of the streets, alleys or public places in said City of Middletown, within the time prohibited in Section one of this ordinance, unless there exists a reasonable necessity therefor.

Penalty for violation.

Any such persons violating the provisions of this section shall, on conviction, be fined in any sum not less than one or more than ten dollars for each offense, and stand committed until such fine and costs are paid.

Duty of police.

SECTION 3. Each member of the police force while on duty is hereby authorized to arrest without warrant any person wilfully violating the provisions of Section one of this ordinance, and retain said person for a reasonable time in which complaint can be made and a warrant issued and served.

No confinement.

Be it further ordained that no minor child or minor person arrested under the provisions of this ordinance shall be placed in confinement until they have first been taken home to ascertain the wishes of the parent or guardian or other person having the care and custody of said child, and said person shall have refused to be held responsible for the observance of the provisions of this ordinance by said minor person.

Duty of Mayor in case parent refuses responsibility for child.

SECTION 4. It shall be the duty of the Mayor upon the arrest of any child or minor person where the parent, guardian or other person having the care and custody of said minor has refused to become responsible for said minor person for violation of the provisions of Section one of this act, to inquire into the facts of said arrest and the conditions and circumstances of said child or minor person for want of proper care, is growing up in mendicancy or vagrancy, or is incorrigible, and to cause the proper proceedings to be had and taken as authorized and provided by law in such cases.

Signals of curfew.

SECTION 5. It shall be the duty of the Mayor to arrange with the owner or owners of some manufacturing plant or plants, or with the fire department of said city to give on their whistles or bells, signals of curfew hours.

SECTION 6. This ordinance shall take effect and be in force at the earliest period of time allowed by law after its passage, approval and publication.

(Ord. Bk. 10, Pages 138-139; April 13, 1906.)

HOUSES OF ILL-FAME.

To suppress vice and immorality.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Keeping houses of ill-fame.

That any person or persons, who shall keep any brothel or house of ill-fame, in said city, by keeping therein any female person or persons for the purpose of prostitution, or suffer any such to resort thereto for that purpose, shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars ($100.00) or be imprisoned in the work-house not exceeding thirty days, or both, at the discretion of the Mayor.

Penalty.

Residents of such houses.

SECTION 2. That any female person who shall reside in any brothel or house of ill-fame in said city, or resort thereto, for the purpose of prostitution, who shall prostitute herself, use indecent and lascivious language, gesture or behavior, to entice persons therein for any of the aforesaid purposes, shall, upon conviction thereof, be fined in any sum not more than fifty dollars ($50), or be imprisoned in the work-house not exceeding thirty days, or both, at the discretion of the Mayor.

Penalty.

Male person resorting thereto.

SECTION 3. That any male person over the age of fourteen years and upward, who shall reside in any such brothel or house of ill-fame, or shall resort thereto in the character of servant, musician, boarder, lodger, or otherwise, for the purpose of aiding, assisting, abetting or encouraging the owner or keeper of any such house, or the females who reside therein or resort thereto, for the gratification of their lewd and lascivious practices, shall, on conviction thereof, be fined in any sum not exceeding fifty dollars ($50.00), or be imprisoned in the work-house not exceeding thirty days, or both, at the discretion of the Mayor.

Penalty.

Harboring prostitutes.

SECTION 4. That if any person or persons in this city shall harbor or keep about his or their house, any lewd or dissolute women or common strumpet, such person or persons shall, on conviction thereof, be fined in any sum not exceeding fifty dollars, or be imprisoned in the work-house not exceeding thirty days, or both, at the discretion of the Mayor.

Owner of building knowingly renting same for houses of ill-fame.

SECTION 5. That any person or persons, being the owner or having control of any house or building in this city, who shall knowingly lease the same for the purpose of keeping therein a house of ill-fame, or shall knowingly permit the same to be used or occupied for such purpose, shall, for every offense, be fined in any sum not exceeding one hundred dollars, or be imprisoned for a term not more than sixty days, or both, at the discretion of the Mayor.

Penalty.

Saloon keepers not to harbor women.

SECTION 6. That it shall be unlawful for the proprietor or keeper of a saloon, bar-room or place where intoxicating liquors are sold, to keep or harbor in the same building wherein such intoxicating liquors are sold, or in any building adjacent thereto, or connected therewith, any female person or persons for the purpose of prostitution, or suffer any known prostitute to resort thereto for such purposes. Any person violating the provisions of this Section shall, upon conviction thereof before the Mayor, be fined in any sum not more than one hundred dollars, or be imprisoned in the work-house at Dayton for a period of not less than five nor more than thirty days, or both, at the discretion of the Mayor.

Penalty.

SECTION 7. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Feb. 15, 1893.)

HYDRAULIC.

An agreement between the Middletown Hydraulic Company and Incorporated Village of Middletown:

This Indenture, made this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and fifty-three, between the Mayor and the Trustees of the Incorporated Village of Middletown, Butler County, Ohio, of the one part, and John W. Erwin and R. H. Hendrickson, of the County and State aforesaid, and Joseph Cooper, of the

County of Hamilton and State of Ohio, of the other part, witnessth:

That the said Mayor and Trustees do hereby grant unto the said John W. Erwin, R. H. Hendrickson and Joseph Cooper, or the Hydraulic Company, the free and uninterrupted use of all that part of Water Street between the south line of Third Street and the south line of Fifth street, for the conveyance and passage of water in the Middletown Hydraulic; provided, they (Erwin, Hendrickson and Cooper) will first obtain the consent thereto of all the citizens owning lots adjoining to said streets. Provided, always, that they will leave eighteen feet in the clear on the east side of said street, to be used as a street or avenue. Provided, always, that they will leave eighteen feet in the clear on the east side of said street, to be used as a street or avenue. Provided, also, that they will leave the east bank of said hydraulic so as to prevent the earth from caving in, and always to leave eighteen feet in the clear for the passage to and fro of persons, vehicles, etc. The Mayor and Trustees abandoning the entire street between the proposed limits as previously stated, to the use of said Erwin, Hendrickson and Cooper, or the Hydraulic Company, except eighteen feet in question; provided, also that the western boundary of the frame house belonging to Doty's heirs, on the corner of Third and Water Streets, be regarded as being the eastern line of said Water Street. Provided, also, that the said Erwin, Hendrickson and Cooper, or the Hydraulic Company, will erect and keep in repair a substantial bridge at the crossing of Fourth Street, not less than fifteen feet wide and a like substantial bridge at the crossing of Fifth Street, not less than twenty-five feet wide; provided, also, that they will erect on the east bank of said hydraulic a permanent railing, not less than four feet high; said railing to be erected as soon as the stone wall or paving is completed, and provided, also, that they will complete said wall previous to letting water into said hydraulic.

It is understood expressly by both parties that the said John Erwin, R. H. Hendrickson, Joseph Cooper, or the Hydraulic Company, are to hold the Mayor and Trustees and their successors in office, on behalf of said Incorporated Village of Middletown, Butler County, Ohio, indemnified against all claims for damages on the part of citizens which may hereafter arise on account of said occupancy of Water Street.

To have and to hold all and singular the privileges granted as aforesaid to the said Joseph Cooper or the Hydraulic Company, their heirs and assigns foreever.

TRUSTEES.

JOHN W. ERWIN
R. H. HENDRICKSON
JOSEPH COOPER
EDWARD JONES
WM. OGLESBY
JACOB VORIS
R. G. SLACK
I. F. HAND

H. P. CLOUGH, MAYOR.

Signed in presence of Sam'l Hyndman, Wm. S. Young.

WHEREAS, on the third day of April A. D., 1852, a certain agreement was made and entered into by the Mayor and Trustees of Middletown Corporation, whereby it was agreed by them on the part of the said Town of Middletown, that for certain considerations therein named, the Middletown Hydraulic Company should have the privilege of conducting their canal through Water Street to the south side of Lebanon Street, for the conveyance of water through or along said street for hydraulic purposes, on certain conditions therein specified.

THEREFORE, BE IT ORDAINED by the Mayor and Trustees of the Town of Middletown:

That the Middletown Hydraulic Company be and they are hereby authorized and empowered to construct a canal or race from the northern limits of said corporation through said Water Street, except fifteen feet along the eastern side of said street as specified in agreement, as far as the southern side of Lebanon Street, for the conveyance of water for hydraulic purposes; provided, however, that the said Hydraulic Company shall construct and keep in repair good and substantial bridges or culverts over their canal or race wherever the same may cross any street or public way, and provided, also, that the citizens of said Town of Middletown shall at all times be permitted, quietly and peacefully, to use water from said canal for hydraulic (hydrant) purposes, and that the Mayor or Trustees of said town shall have the privilege of conveying water from the canal pipes or otherwise, for the purpose of extinguishing fires and for domestic purposes; such water to be conveyed from said canal or race under the direction of a competent engineer.

(April 13, 1852.)

AN ORDINANCE to secure to the Middletown Hydraulic Company the further right-of-way through Water Street.

SECTION 1. *BE IT ORDAINED by the Council of the Incorporated Village of Middletown*:

That the Middletown Hydraulic Company be and the same are hereby authorized and empowered to construct a canal or race, or continue the same from the south side of Lebanon Street through Water Street as far south as Fifth Street, for the conveyance of water for hydraulic purposes. Provided, however, that said Hydraulic Company shall at all times and in all cases be governed by and be required to comply with the provisions and true intent and meaning of an article of agreement entered into by and between said company and the Council of the Incorporated Village of Middletown; said article of agreement dated April 30, 1853, and recorded in the journal of proceedings.

(July 8, 1853.)

To authorize and empower the Board of Public Service to purchase the water power privileges now owned by the Colin Gardner Paper Company for the purpose of providing water power to be used at the Water Works Plant of the City of Middletown.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

SECTION 1. That the Board of Public Service of the City of Middletown be and the same is hereby authorized and empowered to purchase or otherwise acquire for and in the name of the City of Middletown, Ohio, from the Colin

Gardner Paper Company, the water rights and privileges now owned by the said The Colin Gardner Paper Company, being the water rights and privileges conveyed to George C. Barnitz and Company by the Middletown Hydraulic Company by lease, dated Sept. 25, 1865, and recorded in lease record, Vol. 1, Page 110, of the lease records of Butler County, Ohio; and the said Board of Public Service is further authorized and empowered to agree to pay and to bind the city to pay the compensation provided for in said lease, to be paid to the said The Middletown Hydraulic Company, according to the terms and conditions contained in said lease, and to bind the city to perform the other stipulations and agreements provided for in said and by the said lessee to be paid and performed, according to the terms and conditions contained in said lease, said water power to be used for power purposes at the Water Works Plant of the City of Middletown.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period provided for by law.
(Ord. Bk. 10, Page 1; Oct. 19, 1904.)

INDECENT PUBLICATIONS.

To prevent and restrain immorality.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Indecent publications prohibited.

That it shall be unlawful for any person to sell, or offer for sale, or cause to be sold or offered for sale, or exhibit for sale, or for other purposes, or cause the same to be done, any indecent, immodest and lascivious books, pamphlets, papers or pictures, or any books or papers containing matter which has a tendency to create a breach of peace, or disturb the good order of the city.

Printing same.

SECTION 2. That it shall be unlawful for any person to be interested in printing or publishing of any such paper or other publication mentioned in the first section of this ordinance.

Penalty.

SECTION 3. That any person or persons offending against any of the provisions of this ordinance shall, upon conviction before the Mayor, be fined in any sum not less than one, nor more than twenty dollars, with costs of prosecution, or be punished by imprisonment in the work-house not less than five nor more than thirty days.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication.

(March 14, 1893.)

INTOXICATING LIQUOR.

AN ORDINANCE to regulate places where intoxicating liquors are sold.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Selling on Sunday.

SECTION 1. That the sale of intoxicating liquors, whether distilled, malt or vinous, on the first day of the week, commonly called Sunday, except by a regular druggist on the written prescription of a regular practicing physician for medical purposes only, is hereby declared to be unlawful.

Sunday closing.

SECTION 2. That all places except a regular drug store, where such intoxicating liquor is sold or exposed for sale on other days, shall on the first day of the week, commonly called Sunday, be closed.

Penalty.

First offence.

Subsequent offences.

SECTION 3. Whoever on Sunday sells intoxicating liquor, whether distilled, malt or vinous, or permits a place, other than a regular drug store, where such intoxicating liquor is sold or exposed for sale on other days, to be open or remain open on Sunday, shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), and for each subsequent offense shall be fined not more than two hundred dollars ($200.00), or imprisoned in the city prison not less than ten days or more than thirty days, or both.

SECTION 4. In regular hotels and eating houses the word "Place," as used in the next preceding section, shall mean the room or part thereof where such liquors or usually sold or exposed for sale, and the keeping of such room or part thereof where such liquors are usually sold or exposed for sale, and the keeping of such room or part thereof securely closed, shall be a closing of such place within the meaning of such section.

Definition of word "Place."

SECTION 5. Nothing herein contained shall apply to a druggist selling intoxicating liquors, for medical purposes only upon the written prescription of a regular practicing physician.

Druggist selling on written prescription.

SECTION 6. That an ordinance entitled "An ordinance to regulate places where intoxicating liquors are sold," passed Feb. 10, 1910, be and the same is hereby repealed, and this ordinance shall take effect and be in force from and after its passage and the earliest period allowed by law.

(Ord. Bk. 9, Page 368; June 2, 1911.)

To regulate ale, beer and porter houses, and other places where intoxicating liquors are sold or exposed for sale as a beverage.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. It shall be unlawful for any person or persons who keep or aid or assist in keeping, any ale, beer or porter houses, or other place where intoxicating liquors are sold or exposed for sale as a beverage, to allow, cause or permit any screen, partition, window-shade, stained, painted or frosted glass, or any other obstruction of any kind whatever to be maintained or used so as to prevent a full view of the interior of such room or place where intoxicating liquors are sold or exposed for sale as a beverage at any time when such place above mentioned in this section is required by any ordinance of this city or by any law of the State of Ohio, or by any lawful proclamation of the Mayor, to be closed.—And it shall be the duty of the owner or

Screens prohibited.

Must remove all screens and obstructions.

keeper or person in charge of such room or place when intoxicating liquors are sold or exposed for sale as a beverage, to remove all screens, partitions or other things or obstructions from in front of or behind all windows and glass doors opening into such room or place, which in any manner obstruct a full and clear view of the interior of such room or place where intoxicating liquors are sold or exposed for sale as a beverage, and to provide transparent glass in the windows and doors so situated and of such size and clearness as to give and allow a full and clear view of the interior of such room or place to persons passing along or standing on the sidewalk or ground adjacent to and in front of such room or place where intoxicating liquors are sold or exposed for sale as a beverage. And there shall always be kept by the person who keeps or aids or assists in keeping such room or place where intoxicating liquors are sold as a beverage during the evening and night time a light burning in such room or place where intoxicating liquors are sold or exposed for sale as a beverage, so that the passer-by or person standing in front or such room on the sidewalk or on the ground next to such room or place can see by said light plainly enough to designate what persons may be in any part of said room or place; where the saloon or places within which intoxicating liquors are sold or exposed for sale as a beverage has no entrance upon the main or public streets, transparent glass shall be placed in the main entrance or door to such saloon or place by the keeper or person in charge, and the curtains and screens shall be removed from in front of such entrance or door, and from in front of any windows, so that a full and clear view of the interior of such saloon or place may be obtained from the outside of such room or place by a person standing on the ground or floor adjacent thereto at all times when by the provisions of this ordinance screens and other obstructing substances are to be removed.

Must have light burning at night.

No entrance on public street.

Exceptions.

SECTION 2. Nothing in this ordinance shall be construed to regulate the selling of intoxicating liquors at retail by a regular druggist for exclusively known medical, pharmaceutical, scientific, mechanical or sacramental purposes, or to regulate the giving away of intoxicating liquors by a person in his private dwelling unless such private dwelling is a place of public resort, or to apply to a manufacturer of intoxicating liquors from the raw materials, who sells, delivers and furnishes his product in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquors, or in wholesale quantities to any party or parties residing outside of the limits of the said municipality. And nothing in this ordinance shall apply to any screens or any other obstructures during the hours or times when any such saloon or room, or place as mentioned in this ordinance, is not required by "Ordinance of this city or by any law of the State of Ohio," or any lawful proclamation of the Mayor to be closed. Nothing in this ordinance shall apply to any obstruction within any such saloon, room or place where such obstruction is a permanent fixture or a part of the real estate on which such saloon, room or place is located, in which case it shall be sufficient compliance with this ordinance if said person or persons keeping, aiding and assisting in keeping any such saloon, room or place, shall provide a sufficient opening through such fixture, wall or obstruction to permit a clear view to be had of the interior of such saloon, room or place at all times when by the provisions of this ordinance, screens and other obstructions are to be removed.

Does not apply to manufacturer.

Applies only when saloon is required to be closed.

Obstruction — a permanent fixture.

SECTION 3. Any person or persons who shall violate any of the provisions of this ordinance, or shall fail or neglect to do and perform any of the conditions required of them by this ordinance shall, on conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense or violation, and each day or fraction thereof of such failure, neglect or violation shall constitute a distinct offense.

Violation.

Penalty.

SECTION 4. Any shift or device to evade the provisions of this ordinance shall be deemed and held to be a distinct offense against this act or ordinance.

Device to evade.

SECTION 5. This ordinance shall take effect and be in force when ten days have elapsed after its passage and legal publication.

(Ord. Bk. 10, Pages 335-336-337; March 13, 1908.)

To further regulate ale, beer and porter houses and shops and places where intoxicating liquors are sold or offered for sale.

BE IT ORDAINED by the Council of the City of Middletown, Ohio:

Employing girl or woman in saloon or place where liquor is sold.

SECTION 1. It shall be unlawful for any keeper or proprietor of any saloon, room or place wherein or connected therewith, any ale, beer, porter, wine or liquors are sold or offered for sale, to employ any girl or girls, woman or women other than the wife of said keeper or proprietor in said saloon, room or place where such intoxicating liquors are sold or offered for sale, in the waiting on customers of ale, beer, porter or any other intoxicating liquor, whether distilled, malt or vinous, or to perform any service whatever either with or without compensation in said room or place where said ale, beer, porter, wine, liquor or other intoxicating liquors are sold or kept for sale.

Wife of proprietor excepted.

No girl or woman to be employed to sing, perform, etc., in place where liquor is sold.

SECTION 2. It shall be unlawful for any keeper or proprietor of any saloon, room or place wherein or connected with which, any ale, beer, porter, wine, liquors or other intoxicating liquors, whether distilled, malt or vinous, are sold or offered for sale, to employ with or without compensation any girl or girls, woman or women to sing, play, dance or act, or perform in any way on any stage, room or other place in or connected with any such saloon or room when such intoxicating liquors are sold or offered for sale, or employ said girl or girls, woman or women for any purpose whatever connected with the sale or disposing of any such intoxicating liquors in such saloon, room or place.

Girl or woman not to be employed to render any service whatsoever.

SECTION 3. It shall be unlawful for any girl or girls, woman or women to be employed, or to render service of any description whatsoever, or to sing, act, dance or play on any musical or other instrument either with or without compensation in any ale, beer or porter house or saloon or in any room or place or connected with which any ale, beer, porter, wines or liquors are sold or offered for sale as a waitress, bartender, actress, singer or performer, or in any other capacity which shall render it necessary for her to render services of any kind whatsoever in or about any room or place where said ale, beer, porter, wine or liquors are sold or kept for sale, provided that this ordinance shall not prevent any keeper or proprietor of such place or places from employing his wife in his assistance in such place or places.

Harboring or employing girl or woman not permitted.

SECTION 4. Every person employing any girl or girls, woman or women, or permitting or suffering any girl or girls, woman or women to render any service or to sing, act, perform, dance or play any musical instrument, with or without compensation, in such place or places mentioned and described in this ordinance, contrary to the provisions of Sections one, two and three of this ordinance shall, on conviction thereof, be fined in any sum not less than five nor more than twenty dollars, for every day such person or persons shall be so employed, permitted or suffered to so render any service in violation of this ordinance, and every girl or woman who shall be employed in such place or places, or who shall render service, sing, act, perform, dance or otherwise entertain or serve therein, contrary to the provisions of this ordinance, shall be fined in any sum not less than two nor more than ten dollars, and the costs of prosecution.

Penalty fr violation.

Separate offences.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 1, Pages 252-253; Aug. 27, 1897.)

To regulate ale, beer and porter houses, and shops and places where intoxicating liquors are sold or offered for sale.

BE IT ORDAINED by the Council of the City of Middletown, Ohio, as follows:

Sale of liquor unlawful between 12 p. m. and 5 a. m.

SECTION 1. That it shall be unlawful for any person or persons to barter, sell or dispose of any intoxicating liquors whether distilled, malt or vinous, on any day or night of the week between the hours of twelve o'clock P. M. midnight and five o'clock A. M., except by a druggist on the written prescription of a regular practicing physician, for medical purposes only.

Closing time for saloons.

SECTION 2. All places where such intoxicating liquors are sold or exposed for sale, except by regular druggists, shall on any day or night of the week be closed between said hours and in addition after said twelve o'clock P. M and between five o'clock A. M. all curtains, blinds or other hinderance to sight and observation shall be raised, lifted or set aside from all windows and doors, whether front, side or rear, so that the interior of all places and rooms where such intoxicating liquors are sold or offered for sale may be clearly and distinctly seen from the outside thereof.

Violation.

SECTION 3. Whoever makes any sale or disposes of any of such intoxicating liquors named in the first section of this ordinance, or allows any such place to be open or remain open on any day or night between the hours of twelve and five o'clock P. M., or who fails to remove or have removed from the windows and doors, blinds, screens, curtains or other obstructions to view as mentioned in Section one of this ordinance, shall, upon conviction thereof before the Mayor, be fined in any sum not exceeding one hundred dollars and the costs of prosecution.

Penalty.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 224; July 9, 1897.)

To further regulate the selling, furnishing and giving away of intoxicating liquors as a beverage in places where intoxicating liquors are sold, furnished or given away as a beverage.

BE IT ORDAINED by the Council of the City of Middletown, Ohio, as follows:

Unlawful to have nuisance in saloon.

SECTION 1. It shall be unlawful for any keeper or proprietor of any saloon, room, or place wherein any intoxicating liquors are sold, furnished or given away as a beverage in the City of Middletown, Ohio, to employ, permit or allow, either with or without compensation, any person or persons to sing or play, or perform on any musical instrument or machine or device of any kind used in producing or rendering music, in such saloon, room or place or in any room or place connected therewith.

Musical instruments prohibited.

SECTION 2. It shall be unlawful for any keeper or proprietor of any saloon, room or place wherein any intoxicating liquors are sold, furnished or given away as a beverage in the City of Middletown, Ohio, to permit or allow any musical instrument or machine, or device of any kind used in producing or rendering music, to produce or render music in such saloon, room or place, or in any room or place connected therewith.

Persons shall not sing or perform on instruments.

SECTION 3. It shall be unlawful for any person or persons, with or without compensation, to sing or play or perform on any musical instrument, or machine or device of any kind used in producing or rendering music in any saloon, room or place wherein any intoxicating liquors are sold, furnished or given away as a beverage in the City of Middletown, or in any place connected therewith.

Exceptions.

SECTION 4. Nothing in this ordinance shall be construed to regulate the selling of intoxicating liquors at retail by a regular druggist for exclusively known mechanical, pharmacutical, scientific, medicinal or sacramental purposes, and none of the provisions of this ordinance shall be construed to regulate the giving away of any intoxicating liquor by a person in his private dwelling, unless such private dwelling is a place of public resort, nor to a manufacturer of intoxicating liquor from the raw material, who sell, delivers and furnishes his products in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquor, or in wholesale quantities to any party or parties residing outside of the limits of said city.

Penalty for violation.

SECTION 5. Any person who violates any of the provisions of this ordinance shall, upon conviction before the Mayor, be fined in any sum not exceeding fifty dollars and the costs of prosecution.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 507; June 27, 1902.)

JURY IN CITY COURT.

To provide for the summoning and empaneling of jurors in the Mayor's Court.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Trials before Mayor.

That in the trial of any cause of which the Mayor has final jurisdiction, upon a plea other than a plea of guilty, if the defendant or defendants do not demand a jury, the Mayor shall proceed to try the said case.

Jurors — Summons and qualifications.

SECTION 2. If the defendant or defendants in any cause as aforesaid, having pleaded not guilty, shall demand a trial by a jury, and if, by the laws of Ohio, he is entitled thereto, the Mayor shall thereupon issue a special venire to the marshal, commanding him to summon twelve jurors, who shall be citizens of Middletown ,having the qualifications of jurors in the Court of Common Pleas.

How summoned.

SECTION 3. The marshal shall forthwith summon each of the jurors named in said venire personally, or by leaving a written notice at the residence or usual place of business of each juror; he shall also at or before the time named therein, return the venire to the Mayor, specifying thereon the persons summoned and the manner of the service in respect to each of them.

Challenges.

SECTION 4. Each party shall be entitled to two peremptory challenges, and the jurors in the Mayor's Court shall be subject to the same challenge as jurors are subject to in criminal cases in the Court of Common Pleas.

Talesmen.

SECTION 5. Whenever it shall become necessary to summon a talesman or talesmen, the Mayor may direct the marshal to summon any of the by-standers, or others who may be competent, against whom no sufficient cause of challenge shall appear, to act as jurors.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 14, 1893.)

NUMBERING OF HOUSES.

To provide for re-numbering houses in the City of Middletown, Ohio.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown, Ohio,* that all the residences, business houses, shops and manufacturing establishments in said city shall be re-numbered according to the provisions of this ordinance.

Numbering east and west from Main St.

SECTION 2. The numbering shall be east and west from Main Street on all streets crossing or terminating in Main Street, and on all streets which do not cross or terminate in Main Street, but which terminates east or west of Main Street, the numbering shall begin at the termination nearest Main Street and numbered east or west accordingly as the streets may be located east or west of Main Street. The numbering shall be north and south from First Street on all streets crossing or terminating in First Street; and on all streets which do not cross or terminate in First Street, but which terminate north or south of First Street, the numbering shall begin at the termination nearest First Street, and numbered north or south accordingly as the streets may be located north or south of First Street.

Numbering north and south from First St.

Scheme of numbering.

SECTION 3. The numbers shall be placed as follows: Each square shall constitute one hundred numbers to the square or its proportion thereto as to the length of the said squares after same being regularly laid out in proportion to the width of lots therein. When the squares laid out are not occupied by residences, business houses, shops and manufacturing establishments, then the squares so occupied by residences, business houses, shops and residences, shall control the number on both sides of the street and numbers

Even and odd numbers.

shall be assigned as follows: The even numbers to the west side and south sides of the streets and the odd numbers to the east and north sides of the streets.

Uniformity of figures.

The figures to be as nearly as possible uniform in style, provided that when persons desire to have more ornamental numbers, nothing in this ordinance shall prohibit them from having same, and provided that no number shall be put up which shall cost less than fifteen cents.

Appointment of person to re-number.

Bond.

Compensation.

SECTION 4. The City Council shall appoint some suitable person to re-number the city, who shall give bond in the sum of two hundred dollars to the satisfaction of the Mayor of the City of Middletown for the faithful performance of his duty, but he shall receive no salary or compensation whatever from the city, but is to receive his only renumeration by selling numbers to property owners.

Service of notice on property owner.

SECTION 5. The person so appointed said numbers shall cause a written notice to be served upon all the owners of buildings described in Section one of this ordinance or their duly authorized agent, who refuse to comply with this ordinance, that they are required to number their houses accordingly to the provision of this ordinance.

Non-compliance with order to number house.

Cost to be assessed against property.

Amount of costs.

Should the owner or owners of any house or building fail to comply with the requirements of said notice within thirty days from date of service thereof, the said numberer shall certify the cost of the same to the City Council, whereupon the City Clerk shall certify the amount of said cost to the County Auditor, who shall assess the amount on the lot or lands on which the said house or building is located, and collect the same in the manner as other taxes are collected, provided that in no case shall the cost of the number so certified exceed fifteen cents, but there shall be certified in addition thereto the sum of twenty-five cents for serving the notice, the city numberer to be paid for serving the notice and for the number when the said amounts have been collected back by the city as taxes.

Interference with numberer.

SECTION 6. Any person who wilfully obstructs or interferes with the person appointed by Council to re-number the city, or any person or persons employed by him to place such numbers on the buildings as aforesaid, or whoever tears down, removes or defaces such numbers, shall be deemed guilty of an offense and, upon conviction before the Mayor, shall be fined not less than two nor more than ten dollars, or be imprisoned not more than thirty days, or both, and shall pay the costs of prosecution.

Penalty for removing or defacing numbers.

SECTION 7. An ordinance passed Aug. 13, 1886, entitled "An ordinance to provide for the numbering of houses in the City of Middletown, Ohio," and all other ordinances or parts of ordinances in conflict with this ordinance, are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 482-483-484; Dec. 13, 1901.)

PUBLIC LIBRARY.

AN ORDINANCE to establish a public library for the City of Middletown, and to create a Board of Library Trustees for the management and control thereof.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Establishment of public library.

SECTION 1. That there be and hereby is established for the City of Middletown, Butler County, Ohio, a free public library, for the use of all the inhabitants of the City of Middletown, under such rules and regulations as may be prescribed by the Board of Library Trustees, to be appointed in accordance with the provisions of this ordinance.

Board of Trustees.

Number and appointment.

SECTION 2. The custody, control and administration, together with the erection and equipment of said free public library, shall be vested in a Board of six Trustees, not more than three of whom shall belong to the same political party. The said Trustees shall be appointed by the Mayor of the City of Middletown with the advice and consent of the City Council, for a term of four years and until their successors are appointed and qualified, provided, however, that in the first instances three of such Trustees shall be appointed for a term of two years, and three thereof for a term of four years, and all vacancies shall be filled by like appointment for the unexpired term.

Term of office.

Oath and compensation.

SECTION 3. The said Trustees shall take the oath of office required by law, and shall serve without compensation.

Powers and duties of trustees.

SECTION 4. The said Trustees shall employ the librarian and all necessary assistance, fix their compensations, adopt the necessary by-laws, rules and regulations, for the protection and government of the library and all property belonging thereto, and exercise all the powers and duties connected with and incident to the government operation and maintenance thereof.

Organization.

Expenditure of money.

SECTION 5. Said Trustees shall immediately after their appointment meet and organize by the election of one of their number as President, and by the election of such other officers as they may deem necessary. They shall have exclusive control of the expenditure of all moneys collected for the library fund and the supreme care and custody of the grounds or buildings constructed or to be constructed for that purpose. And such money shall be drawn from the Treasury upon the properly authenticated voucher of the said Board of Trustees.

Power to purchase or build.

SECTION 6. The said Board of Trustees may, with the approval of the City Council, occupy or purchase or erect on purchased ground otherwise secured, an oppropriate building.

Annual report.

What it shall contain.

SECTION 7. The said Board of Trustees shall make an annual report to the City Council, stating the condition of their trust, the various sums of money received from the library fund, and from all other sources, and how much has been expended; the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of interest.

Erection of library building.

SECTION 8. The said Board of Trustees is hereby authorized, with the advice and consent of the City Council, to construct an appropriate building upon proper advertisement according to law, and to execute a contract for the construction of such building, and for that purpose are authorized to use such sums of money or other property as may be donated for such purposes.

Donations to be made to Board of Trustees.

SECTION 9. All persons desirous of making donations of money, personal property or real estate, for the benefit of such library, shall have the right to vest the title of the same in said Board of Trustees, and to be held and controlled by said Board when accepted, according to the terms of the deed of gift, devise or bequest, and as to such property the said Board shall be held and considered to be special Trustees.

Creation of library fund.

SECTION 10. All moneys of whatever source received, whether by gift or raised by public taxation, shall be placed in the Treasury of the city and known as the Library Fund, and shall be used by said Board of Trustees for the purpose of securing grounds, erecting buildings, furnishing the same with books and other furniture as may be needed or required, and for the purpose of operating and maintaining the said grounds and buildings for public library purposes.

Disposition of fund.

Further powers and duties.

SECTION 11. The said Board is further authorized and empowered to perform all such other duties as may be incident to secure the erection and maintenance of said library, and shall have all such other powers and perform such other duties as may now be required by the laws of the State of Ohio and the ordinances of the City of Middletown, now in force or at any other time hereafter adopted.

SECTION 12. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 9, Pages 60-61-62; Feb. 11, 1910.)

LOITERING.

AN ORDINANCE to prohibit loitering in railway or railroad depots, traction offices and all public places in the City of Middletown, State of Ohio.

Loitering in depots or public places.

SECTION 1. It shall be unlawful for any persons to loiter in any of the railway or railroad depots, traction offices or any other public place in the City of Middletown, State of Ohio, and upon conviction thereof shall be fined not less than two dollars and not more than ten dollars, or ten days in the county jail, or both, at the discretion of the Mayor.

Penalty.

SECTION 2. This ordinance shall take effect and be in force from and after its passage according to law.

(Ord. Bk. 10, Page 497; April 9, 1909.)

To define the misdemeanor of loitering and to fix the penalty therefor.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Loitering defined.

SECTION 1. That if any vagrant, common beggar, common prostitute or habitual disturber of the peace shall be found in the City of Middletown, or if any person shall be found loitering about in any common bar-room, dram-shop, gambling-house or house of ill-fame, or wandering about the streets, either by day or by night, without any lawful means of support, and without being able to give a satisfactory account of himself or herself, or if any person shall abuse his family in said city, such person shall, on conviction thereof in the Municipal Court, be fined for each offense in any sum not less than five dollars ($5.00), and not more than fifty dollars ($50.00.)

Abuse of family.

Penalty.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 45; March 13, 1914.)

MARKETS.

To establish a market place and to regulate the same.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Market Place established.

That so much of Canal Street as lies between Third Street and Fourth Street be and the same is hereby established as a market place for the City of Middletown, Ohio, to be used for the purpose of buying and selling provisions, vegetables and other articles necessary for the sustenance, comfort and convenience of the inhabitants of said city, subject to the regulations and restrictions herein contained.

Market days.

SECTION 2. Markets shall be held on Tuesday, Thursday and Saturday of each week, from the hours of daylight until ten o'clock A. M.

Persons selling must give full weight or measure.

SECTION 3. If any person shall sell or offer for sale in said market, any article, by weight or measure, which article shall not be of full measure, according to standard weight or measure adopted by the State of Ohio, such person, on conviction thereof, shall pay a fine not exceeding ten dollars and costs, provided that if any butter be offered for sale in said market, in lumps, rolls or prints, every such roll or print shall be required to weigh one full pound, according to the standard aforesaid, and every such roll, lump or print of butter which on being weighed by the market master, in the presence of two disinterested persons. householders in said city, shall be found to weigh less than one full pound aforesaid, shall be forfeited to the city and shall be forthwith seized by said market master and sold at public auction to the highest bidder and the proceeds turned into the City Treasury.

Forstalling, buying to sell again prohibited.

SECTION 4. Any person who shall during market hours sell or purchase, directly or indirectly, any article of provisions, corn, oats or other articles, for the purpose of exporting or re-selling the same, or who shall, directly or indirectly, sell or offer for sale, any of the articles aforesaid at said market, which said person may have purchased and forestalled at any public place whatever, while on the way to or designed for said market, or any person who shall bring or suffer to come with him or upon any market place during market hours, any dog, or unruly or dangerous animal, shall be guilty of a misdemeanor, and on conviction thereof, shall pay a fine not exceeding twenty dollars and costs.

Penalty.

Penalty for selling damaged provisions.

SECTION 5. Any person who shall sell or offer for sale any unwholesome, damaged or spoiled provisions of any kind in said market shall, upon conviction thereof, pay a fine not exceeding ten dollars and costs

Penalty for slaughtering or cleaning animals.

SECTION 6. Any person who shall slaughter or dress any animal or fish within said market place, or who shall lay or place any garbage, offal, filth or rubbish in any of the same, on conviction thereof, shall pay a fine not exceeding ten dollars and costs.

How wagons shall stand.

SECTION 7. No wagon or other vehicle containing provisions or merchandise for sale in said market, shall stand in any part of said space, except the hind wheels thereof shall rest against the curb stones or covering of a gutter.

Must clean up refuse.

SECTION 8. All farmers, hucksters and other persons attending the public market will be required to clean up any grass, vegetables, fruit or garbage of any kind which they deposit upon any street, alley, sidewalk or gutter of said market space, and haul the same beyond the city limits.

Penalty.

Any person or persons who shall fail or neglect to do so shall, upon conviction thereof, be fined in any sum not exceeding ten dollars and costs of prosecution.

SECTION 9. Fish shall not be cleaned of their scales or entrails on any market where they are offered for sale.

Who must obtain license.

SECTION 10. All butchers, hucksters or other persons who sell or offer for sale, any provisions, vegetables, meat or other articles, not of their own raising or manufacture, will be required to take out a license, which shall be issued by the Mayor, upon payment of a fee of ten dollars per year, payable quarterly. After the receipt of a license the said person will be assigned to a stand or position on any market day. Any person violating the provisions of this section shall, upon conviction thereof, pay a fine not exceeding ten dollars and costs of prosecution.

How obtained.

Fee.

SECTION 11. It is hereby expressly declared to be the duty of the market master to see that all the provisions of this ordinance are strictly enforced, and he may call to his assistance any policeman or marshal of the city.

Duty of market master.

SECTION 12. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Nov. 25, 1892.)

(Amend. Ord. Bk. 9, Page 111; April 8, 1910.)

To create the office of market master and define the duties of the same.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

That for the better government of the public market the office of market master be and the same is hereby created.

Office of market master created.

SECTION 2. That the said market master shall be appointed by the Mayor with the advice and consent of the Council at the first meeting night of the Council, to be held in the month of May of each year, and shall hold his office for the term of one year, and until his successor is appointed and qualified; provided, that any appointment for the said position made previous to the first regular meeting in May, shall be for and until the said meeting.

How appointment to be made.

SECTION 3. The said market master shall receive as compensation for discharging the duties of the same the sum of three dollars per week, payable at the regular meetings of the Council.

Compensation.

SECTION 4. Before entering upon the discharge of his duties, the said market master shall give a bond in the sum

Bond.

of five hundred dollars, with sureties to the satisfaction of the Mayor, conditioned according to law.

Powers and duties.

SECTION 5. The said market master shall have charge and control of the market places of the city, shall assign all hucksters, peddlers, farmers or other persons permitted to sell their respective goods and wares in the said market places, to the places set apart for them; shall see that all the ordinances of the city relating to markets are impartially enforced, and arrest all violators of the same and bring them before the Mayor, and for that purpose shall have all the powers of a police officer; he shall see that the markets are kept clean, orderly, and shall perform such other duties as are set forth in the ordinance governing the market places of the city, or which may, from time to time, be passed and ordained by the Council.

May be suspended.

SECTION 6. The said market master may be suspended by the Mayor for neglect or non-performance of his duties, or for other sufficient cause, but such suspension and the cause of the same shall be submitted to the Council at the first regular meeting thereafter.

SECTION 7. All ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed, and this ordinance shall take effect and be in force from and after its passage and publication according to law.

(Nov. 25, 1892.)

MISDEMEANORS.

AN ORDINANCE to define and punish certain offenses.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Disorderly conduct.

That if any person or persons shall disturb the peace and good order of the city, by any unusual or unnecessary noise, or vicious or disorderly behavior, or wrangling and quarreling, every person so offending, shall, on conviction thereof, be fined in any sum not less than two nor more than ten dollars, and the costs of prosecution.

SECTION 2. That any person found in any street, alley or other public places, within the corporate limits of the City of Middletown, in a state of intoxication, shall be deemed guilty of an offense and, upon conviction thereof before the Mayor, shall be fined in any sum not less than two nor more than ten dollars and the costs of prosecution. Ddunkenness.

SECTION 3. Any person or persons who shall be guilty of fighting any other person, who shall challenge or attempt to provoke another to fight at fisticuffs or otherwise, or who shall threaten personal violence to, or abuse any other person with insulting language or acts, tending to provoke a quarrel or breach of the peace in said city, shall, upon conviction thereof before the Mayor, be fined in any sum not less than two nor more than ten dollars and the costs of prosecution. Fighting. Breach of peace. Fine.

SECTION 4. Whoever carries or wears any pistol, knife or other dangerous weapon concealed on or about his or her person, within the corporate limits of the City of Middletown, shall be deemed guilty of a violation of law and, upon conviction thereof, shall be fined not less than three dollars and not more than twenty dollars and costs of prosecution. Carrying concealed weapons.

Provided, that the provisions of this section shall not apply to any person who is an officer and upon official duty within the city, or such other exceptions provided for by the Statutes of Ohio. Exceptions.

SECTION 5. When three or more persons assemble together within the corporate limits of the City of Middletown, to do any unlawful act, or agree with each other to do any unlawful act with force and violence, or make any preparations or movement therefore, or attempt to make and prevent by riotous force and violence any lawful act or business or proceedings from being done, carried on or accomplished within the said city, shall be deemed guilty of a violation of law, and upon conviction thereof before the Mayor, shall be fined not less than three dollars and not more than fifty dollars and costs of prosecution, and may be required by the Mayor to enter into a bond to keep the peace for one year. Rioting.

Loitering.

SECTION 6. Whoever is found loitering or congregating upon the streets, avenues or alleys within the corporate limits of the City of Middletown, or about the door or entrance of the postoffice, place of religious worship, hall, theater or other public place, or upon any bridge within the corporate limits of the city, so as to obstruct, prevent or interfere with the free use of the aforesaid places, shall be deemed guilty of an offense, and upon conviction thereof, before the Mayor, shall be fined not less than two and not exceeding five dollars and costs of prosecution.

Placing dead animals or putrid substance in streets.

SECTION 7. That any person who shall place, or cause to be placed, in any street, alley, lane, lot, common, or water course, within the city, the carcass of any dead animal, or parts or fragments thereof, or any putrid or unsound beef, pork, fish or other substance, tending to corrupt the atmosphere, and shall leave the same exposed or unburied, shall on conviction thereof, pay a fine not exceeding twenty dollars with costs.

Offensive matter, stagnant water, etc., on premises.

SECTION 8. Any person who shall suffer stagnant water, filth, manure, or any noisome or offensive liquid or substance, which may be injurious to the health of any other person, or which may corrupt the atmosphere, to remain upon his premises within the city, on conviction thereof, shall pay a fine not exceeding ten dollars and costs.

Ashes, mud, refuse placed on streets.

SECTION 9. Any person who shall cast, discharge or lay, or cause to be cast, discharged or laid, any shavings, ashes, mud, dung or other filth or annoyance whatsoever, or any foul or nauseous liquid of any kind, on any pavement, or in or upon any grounds, lots, commons, streets, lanes or alleys in this city; or shall cast or throw, or let fall from any cart, wagon or other carriages, any rubbish, dirt or earth, in any street, lane or alley aforesaid, and not immediately remove the same, except on such parts or places as shall be appointed and permitted by the authority of the City Council, on conviction thereof, shall pay a fine not exceeding five dollars and costs.

Soap boilers, tallow chandlers, etc., stinking fat.

SECTION 10. Any soap boiler, tallow chandler, tanner or other person who shall make, keep, collect or use upon his or her premises within this city, any stale, putrid, stinking fat or grease, or other noisome or offensive matter or substance, such person, on conviction thereof, shall pay a fine not exceeding ten dollars and costs.

Hog pens allowed t become offensive.

SECTION 11. Any person who shall collect or keep any hog or hogs in any pen, or otherwise confine any hog or hogs within this city so that the same shall become noisome or offensive to the public or persons residing in the neighborhood, on conviction thereof, shall pay a fine not exceeding ten dollars and costs.

Indecent and im modest behavior.

SECTION 12. Any person within the limits of this city who shall commit or perpetrate any indecent, immodest, lewd or filthy act, in the presence or view of any other person, or in such a situation that persons passing or re-passing might ordinarily see the same; or shall utter and speak any lewd or obscene words within the hearing of any person, such person, on conviction thereof, shall pay a fine not exceeding twenty dollars and costs.

Penalty.

Swimming in cana or river.

SECTION 13. If any person, being naked at the time, shall bathe or swim within the limits of this city, in the Miami River, any basin, canal, mill race or other water course, so that such person may be seen at the time from any dwelling, house or public road, or street, within this city, such person, on conviction thereof, shall pay a fine not exceeding five dollars and costs.

Playing games o Sunday.

SECTION 14. The playing of marbles, pitching quoits, or horse-shoes, playing of baseball, football, billiards or pool, and any and all games or sports is hereby declared to be unlawful on the first day of the week, commonly called Sunday. Any person violating this section shall, on conviction thereof, be fined in any sum not less than one or more than twenty-five dollars, and the costs of prosecution.

Baseball in streets.

SECTION 15. Playing baseball, football, shinney or other games of sport, which has a tendency to frighten horses, or is dangerous to passers-by, on the street, is strictly prohibited. Any person or persons who shall engage in such game or sports on the streets in violation of Section

15 of this ordinance shall, on conviction thereof, be fined in any sum not exceeding ten dollars and the costs of prosecution.

Neglecting to tie horses, etc.

SECTION 16. It shall be the duty of all persons having charge of any horse or mule, or team of horses and mules to securely tie, fasten or hitch the same and not leave the same unattended. If any person shall leave any such animal or animals unattended and shall fail or neglect to secure the same, and said animal shall run away or roam about the streets and alleys of the city unattended, such person shall, on conviction thereof, be fined in any sum not exceeding twenty dollars and costs of prosecution.

Fast driving.

SECTION 17. Whoever rides or drives any animal or animals upon any street, highway or alley, within the City of Middletown at a faster rate of speed than six miles per hour, or so as to endanger any person in said city shall, on conviction, be fined in any sum not more than ten dollars, or be imprisoned in the work-house not more than twenty days at the discretion of the Mayor.

Penalty.

Burning shavings in streets at certain hours.

SECTION 18. If any person shall burn or set fire to any chips, shavings, papers, rubbish or leaves, in any street or alley in this city, except between the hours of 8:00 a. m. to 4:00 p. m., such person shall, upon conviction thereof, be fined in any sum not more than ten dollars.

Driving on sidewalk.

SECTION 19. That whoever shall purposely ride or drive any animal or animals, or shall purposely draw or back any wagon, carriage, buggy or other vehicles into or upon any paved, graveled or cemented sidewalks along any street within the corporate limits of the City of Middletown, shall be guilty of an offense, and upon conviction before the Mayor of the city, shall be fined not less than two dollars and not more than ten dollars and costs of prosecution.

Cutting and carrying away sod, etc.

SECTION 20. That if any person or persons shall cut, dig or carry away, any sod, earth or gravel, grass or vegetable, located or growing upon the premises of another, without having previously obtained the consent of the owner or owners of the premises on which the same is dug or cut, or from which the same is taken, such person or persons so offending, whether as principal, agent or employee or otherwise, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Mayor, shall be fined in any sum not exceeding fifty dollars, or imprisoned not exceeding ten days, or both, at the discretion of the Mayor.

Shooting in city limits.

SECTION 21. If any person or persons shall fire any cannon, gun or other firearms within the corporate limits of the city, except by permission of Council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, or intentionally points or aims any firearm at or toward any person, or discharges any firearm so pointed or aimed except in self-defense, or the discharge of official duty, every person so offending, on conviction thereof, shall pay a fine not exceeding ten dollars and costs.

Pointing fire-arms.

Crying fire falsely.

SECTION 22. If any person shall wantonly and without any reasonable cause raise any alarm by crying fire, within the said city, such person, on conviction thereof, shall pay a fine not less than ten dollars and costs, or be imprisoned not exceeding ten days, or both, at the discretion of the Mayor.

Turning in false alarm of fire from boxes.

SECTION 23. If any one shall wantonly and without reasonable cause turn on a false alarm at any of the boxes connected with the fire alarm telegraph of said city, such person shall pay a fine not less than twenty-five nor more than fifty dollars and costs, or be imprisoned not exceeding thirty days, or both, at the discretion of the Mayor.

Injuring, befouling or damaging buildings, churches, etc.

SECTION 24. If any person or persons shall injure, damage or befoul any public building within the city, or any church or place of religious worship, or any schoolhouse, or any bridge or culvert, or any fence or railing, or any trees, within this city, whether the same be public or private property, every person so offending, on conviction thereof, shall pay a fine not exceeding one hundred dollars and costs.

Practicing trick games, etc.

SECTION 25. No person within the limits of the city shall use or practice any game, device, or deceit, or assist in the same, for the purpose of fraudulently obtaining any money, property, or other thing of value, from any other person; and any person who shall in any way violate or attempt to violate any or either of the provisions of this section shall, upon conviction before the Mayor, be fined in any sum not less than five nor more than fifty dollars, or shall be imprisoned not exceeding thirty days, or both, at the discretion of the Mayor.

Picking pockets.

SECTION 26. Any person who shall pick, or attempt to pick, from the pocket or person of another, any article or money of any kind whatsoever, shall, upon conviction before the Mayor, be fined in any sum not less than five nor more than fifty dollars, or shall be imprisoned any term not exceeding thirty days, or both, at the discretion of the Mayor.

Vagrants, street beggars, etc.

Suspicious character.

Penalty.

SECTION 27. That any person found in the City of Middletown, being a vagrant, common prostitute, common street beggar, known or reputed burglar, thief, pick-pocket or common swindler, or practicing any game, trick or device for dishonest and fraudulent gain; or who, being a suspicious character, can give no reasonable account of himself or herself; or who shall habitually disturb the peace; or having a family shall abuse the same; shall be deemed guilty of an offense, and on conviction thereof, shall be fined in any sum not exceeding fifty dollars, or may be imprisoned in the work-house not exceeding thirty days, or both, at the discretion of the Mayor.

Resisting police officer.

SECTION 28. It shall be unlawful for any person to interfere with, assault, resist or obstruct any of the policemen or police officers of the City of Middletown, in the discharge of their duties. Any person who shall violate the provisions of this section shall be fined in any sum not exceeding twenty dollars, or may be imprisoned not more than thirty days, or both, at the discretion of the Mayor.

Dragging heavy substances through streets or bridges.

SECTION 29. If any person shall drag, with or without wheels, any saw-log, stone or other heavy substance upon the ground, through or upon any of the graded streets, or upon or across any of the bridges of this city, by which the surface of such street or floor of such bridge shall be broken up or injured, upon conviction thereof, shall pay a fine not exceeding ten dollars and costs; provided further, that it shall be unlawful for any person, at any time, to draw across or place upon any of the said bridges a weight exceeding eight tons on four wheels, or four tons on two wheels. Any person violating the last provisions of this ordinance shall, upon conviction thereof, pay a fine not exceeding fifty dollars and costs.

Abusing animals.

SECTION 30. If any person beat, or otherwise injure, any horse, mule, mare, ox, ass, or any other domestic animals, in an immoderate, cruel or unnecessary manner, such person, on conviction thereof, shall pay a fine not exceeding twenty dollars and costs.

Removing obstructions.

SECTION 31. If any person, without authority from the Council, shall remove or throw down any bar or obstruction, placed under the authority of the said City Council, across any street, for the protection of any pavement in the process of construction, or other improvements in progress therein, such person, upon conviction thereof, shall pay a fine not exceeding five dollars and costs.

Abusing family.

SECTION 32. Whoever abuses his or her family, or any member thereof, whether said member be his or her child, or the child of any other person, shall, upon conviction, be fined not more than fifty dollars, or imprisoned in the workhouse not more than sixty days, or both.

Introducing contagious diseases.

SECTION 33. Whoever knowingly introduces or aids in introducing into the City of Middletown, smallpox or other dangerous and contagious diseases shall, on conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Physicians and others failing to report contagious diseases.

SECTION 34. If any physician, called upon to attend such cases mentioned in the preceding section, or the proprietors of hotels, boarding houses, coffee houses or other places, in which such diseases may be introduced or exist, shall neglect or fail to immediately notify the Board of

Health of the existence of the same, giving the name and residence of the person introducing the same, shall, on conviction, be fined not more than fifty dollars.

Killing cr wounding birds.

SECTION 35. Whoever willfuly kills or wounds, or attempts to kill or wound, any bird, except the English Sparrow, or willfully destroys or injures any bird's nest within the limits of the City of Middletown, shall, on conviction, be fined not more than five dollars, or imprisoned not more than ten days, or both.

Bringing dead animals into the city.

SECTION 36. Whoever brings or causes to be brought, either by day or by night, within the limits of the City of Middletown, any dead animal or animals of any kind or description whatever that have died outside of said city limits, or have died inside and have been removed outside of the corporate limits of said city, shall, on conviction, be fined not more than twenty dollars or imprisoned not more than thirty days, or both.

Crushing or grinding bones.

SECTION 37. Whoever manufactures, changes or converts, within the City of Middletown, by steaming, rendering or by any process whatever, the carcass of any animal or animals which shall have died; or grinds, crushes or otherwise converts within the said city, into any fertilizing or other material, the bones of any animal or animals, shall, on conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Excavations in streets or alleys not guarded.

SECTION 38. Repealed by Section 8, Ord., Feb. 15, 1893.

Malicious destruction of properyt.

SECTION 39. Whoever purposely and with intent to injure, cuts, mars, defaces, spoils, breaks or destroys any fence, monument, railing, tomb-stone, tree, tree-box, house, building, curb-stone, corner-stone, grave-stone, shrubbery, plants, or other property, or fixtures situated within said city, or digs into or in any manner breaks up any street, alley, curbing or pavement within said city, without first obtaining from proper authority a permit therefore, shall, on conviction, be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

SECTION 40. Whoever hitches any animal so that such animal shall injure, by gnawing or otherwise, any hedge, shrub, shade or ornamental tree within the City of Middletown, or hitches any animal or animals to any lamp-post, or to any shade or ornamental tree, or to any box, fence or other protection placed around such shade or ornamental tree, or willfully drives any vehicle against, over or upon any such shade or ornamental tree or box, fence or protection placed around the same, shall, on conviction thereof, be fined not more than five dollars, or imprisoned not more than thirty days, or both.

Hitching horses to trees.

SECTION 41. Whoever, within the limits of the City of Middletown, posts to or affixes, or causes to be posted up or affixed any building or other property of said city, or upon any fence, tree-box, wall or building in said city without the consent of the owner or agent of said property, any bill, placard, poster or notice, either written or printed; or whenever such bills, placards or notices have been affixed to any property within the limits of said city, with the consent of the owner or agent thereof, shall tear down, deface, mutilate or destroy the same until a period of fifteen days has elapsed from the time such hand-bill, poster, placard or notice was affixed, shall, on conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Posting bills without consent of property owner.

SECTION 42. Whoever places, casts or throws, or causes to be placed, cast or thrown into any street, highway, alley, basin, hydraulic, river or water course of any kind, or on any pavement within the limits of the City of Middletown, the carcass of any dead animal, or any putrid or unsound substance whatever, or any filth, offensive liquid, dung or rubbish, except ashes, shall, on conviction, be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

Throwing garbage, rubbish, etc., in streets or rivers.

SECTION 43. Whoever shall abuse, ill-treat, strike, beat or otherwise injure his wife while she lives and abides by him as such, or being able, refuses to provide her with food, clothing, shelter or other necessities of life, or drives away from his or her dwelling house his said wife, shall be

Abusing or failing to provide for wife.

deemed guilty of an offense, and upon conviction thereof, shall be fined in any sum not more than twenty-five dollars, or be imprisoned in the work-house not more than sixty days, or both, at the discretion of the Mayor.

Allowing privy-vaults to become offensive.

SECTION 44. Whoever being the owner or occupant of any premises within the limits of the City of Middletown, permits a privy on such premises to become offensive to the public or any person residing in the vicinity thereof, shall, on conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Interrupting funeral procession.

SECTION 45. Whoever attempts or detains the movement or passage of any funeral procession, or willfully drives any wagon, buggy or other vehicle between the different parts or divisions of such procession shall, on conviction, be fined not more than five dollars, or imprisoned not more than thirty days, or both.

Coal or wood in streets.

SECTION 46. Whoever owning or occupying any lot within the City of Middletown places or causes to be placed in any street, highway or alley adjoining such lot, any firewood, timber, coal, lumber or other articles, and permits the same to remain thereon for a longer period than twenty-four hours, shall, on conviction, be fined not more than five dollars or imprisoned not more than ten days, or both.

Cellar doors permitted to remain open.

Allowing fire wood, etc., to remain on sidewalk.

SECTION 47. Whoever being the owner or occupant of any cellar, the door of which may be in any street, highway or alley within the City of Middletown, permits such door to remain open at any time between twilight in the evening and daylight in the morning without having a light in such cellar-way during the time; or places upon any sidewalk within the limits of said city any firewood, lumber, coal, empty boxes, empty barrels or other articles, except for such reasonable time as may be required to load or remove the same, shall, on conviction, be fined not more than five dollars or imprisoned not more than ten days, or both.

Awnings or signs less than seven feet from sidewalk.

SECTION 48. Whoever sets up, places, or causes to be set up or placed within the City of Middletown, any awning sign, sign-post, board, pole or other thing to show or denote the residence, occupation, profession or business of such person, which shall extend more than four feet from the building, and less than seven feet from the pavement, over or into the pavement, shall, on conviction, be fined not more than five dollars or imprisoned not more than ten days, or both.

Selling goods at auction on the streets.

SECTION 49. Whoever sells at auction upon any of the streets, highways, alleys or sidewalks, within the City of Middletown, any goods, wares or merchandise, household furniture or other articles or things whatever which has been bought for the purpose of selling again for profit, or interrupts the free and proper use of the sidewalks within the said city, by standing upon or otherwise occupying the same shall, on conviction, be fined not more than twenty dollars or imprisoned not more than twenty days, or both.

Fraudulent report.

SECTION 50. Whoever shall make, or cause to be made, any false or fraudulent report to the Board of Health of the city, about or concerning any person or citizen, or charging such person being sick or afflicted with smallpox or other contagious disease, to injure or annoy any person or citizen, shall be deemed guilty of an offense, and upon conviction thereof, shall be fined not more than ten dollars and costs of prosecution.

Penalty.

Disturbing a public assembly.

SECTION 51. That whoever willfully or purposely interrupts or disturbs any assembly or meeting of persons, or citizens who have or may be assembled together for a legal and lawful purpose, in any street or highway within the city limits, or who have or may be assembled in any church, hall or other building, shall be deemed guilty of an offense, and upon conviction thereof before the Mayor of the city, shall be fined not less than five dollars and not more than twenty dollars and costs of prosecution.

Penalty.

Disturbing hotels and other public places.

SECTION 52. Whoever being in any house, hotel, saloon, room or other building, not his own, within the corporate limits of the City of Middletown, and while therein shall cause to be made any tumult therein or create any disorder therein, or use any profane or indecent language therein, or wrangle, quarrel or fight, or attempt to disturb

Penalty.

the peace and quiet of any of the aforesaid places, shall be deemed guilty of an offense, and upon conviction thereof, before the Mayor, shall be fined not less than two dollars and not more than twenty dollars and costs of prosecution.

SECTION 53. All ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed; and this ordinance shall take effect and be in force from and after its passage.

(March 24, 1893.)

PAWN BROKERS.

To regulate pawn brokers and to fix the amount of license of the same.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Must obtain license.

That no person shall carry on or conduct the business or calling of pawn broker, or of loaning money on personal property in the City of Middletown, without having obtained from the Mayor of the city a license so to do .

Who is a pawnbroker.

SECTION 2. Whoever loans money on the deposit or pledge of personal property, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker.

Amount of license.

SECTION 3. The Mayor of the City of Middletown may grant a pawnbroker's license to any person of good moral character, who may apply therefore, when the applicant pays into the treasury of the corporation the sum of twenty-five dollars, and executes a bond, with surety to the satisfaction of the Mayor of the City of Middletown, in the sum of five hundred dollars, that the applicant will conform to the requirements of the law and all ordinances of the corporation, and said license shall be good for one year.

Must keep record.

SECTION 4. The person so licensed shall keep a correct list and description, in a book for that purpose, of every article pledged or deposited with him, or upon which advances of money have been made, or which may be purchased by him, which list and description shall be at all times opened to the inspection of the chief or superintendent of police of the corporation, or of a police officer ,deputed by him or by the Mayor, to make such inspection; and he shall, at all times, when required by any police officer or Mayor aforesaid, produce and show any article so listed and described, which may be in his possession; he shall also register in such book the name and place of residence of the depositor, and time when deposit was made; all the entries shall be written in ink in the English language, and no entry shall be erased, obliterated or defaced.

Must report to Mayor.

SECTION 5. Every person so licensed shall prepare and deliver to the Mayor every day, before the hour of twelve o'clock, a legible and correct copy from such registry, of the description of all personal property, bonds, notes or other securities received on deposit or purchases during the preceding day, together with the hour at which article was received, together with the description of the person by whom left in pledge, or from whom the same were purchased.

Must keep pledge for twenty-four hours.

SECTION 6. No bond, note, security or personal property of any kind received on deposit, purchased or pledged to, by any such pawnbroker, shall be sold or permitted to be redeemed or removed from the place of business of such pawnbroker, for the space of twenty-four hours after the copy and statement provided for in the last section has been delivered.

Hours for business.

SECTION 7. No person licensed as aforesaid shall receive on deposit or purchase any personal property, bonds, notes, securities, article, property, or thing as such pawnbroker, before the hour of six o'clock a. m. during the months of Jan., Feb., March, April, Oct., Nov., and Dec. of each year, nor before the hour of five o'clock a. m. nor after the hour of nine o'clock p. m. during the months of May, June, July, Aug., Sept., of each year.

Receiving pledges from minors prohibited.

SECTION 8. No person licensed as aforesaid shall take or receive in pawn or pledge for money loaned, or shall take, receive or purchase, within the line of his business as a pawnbroker, and property, notes, securities, articles or a pawnbroker, any property, notes, securities, articles or which is in, or which is claimed by any minor, or which may be in the possession or under the control of any minor, or a person appearing to be intoxicated, or a person known to be a notorious thief, or a person known to have been convicted of larceny or burglary.

No other business in same place.

SECTION 9. No such person shall carry on any other business or avocation, directly or indirectly, in the same building in which the business of pawnbroking is carried on, nor employ any person under the age of sixteen to take pledges in pawn.

May revoke license.

SECTION 10. The Mayor shall, upon conviction of any such person of a violation of any of the provisions of this ordinance, revoke his license.

Penalty.

SECTION 11. A person convicted of a violation of any of the provisions of this ordinance, where no other penalty is provided for, shall be fined not less than ten nor more than two hundred dollars.

SECTION 12. This ordinance shall take effect and be in force from and after its passage.

(April 14, 1893.)

POLICE DEPARTMENT.

AN ORDINANCE fixing the number, salaries and bonds of members of the Police Department in the City of Middletown, State of Ohio.

Personnel of Police Department.

SECTION 1. That the Police Department of the City of Middletown, State of Ohio, shall be composed of the following officers and other members, who shall receive the respective salaries hereinafter provided, payable semi-monthly out of the Police Fund of said city, and shall give the respective bonds hereinafter required:

Salary and bond of Chief.

First—Repealed by Sections 2 and 3; Ord. Bk. 3, Pages 36-37; March 16, 1914.

Second—One night captain, who shall receive $950.00 per annum, and shall give bond in the sum of $500.00. Night Captain.

Third—Sixteen patrolmen, who shall each receive nine hundred dollars per annum, and shall give bond in the sum of five hundred dollars. Patrolmen.

SECTION 2. The Police Department, as constituted herein, shall be classified by the Director of Public Safety as required by law.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law, Jan. 1, 1911, but shall not effect the term of office or employment or other members now serving in the Police Department of said city.

(Ord. Bk. 9, Page 234; Oct. 14, 1910.)
(Amend. Ord. Bk. 8, Page 86; Aug. 27, 1912.)
(Amend. Ord. Bk. 3, Page 276; Nov. 13, 1914.)

To define the duties and to establish the salary and to fix the bond of the Chief of Police of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That it is hereby declared to be the duty of the Chief of Police to direct all members of the Police Department of said city in their acts and to see that they shall preserve the peace, protect persons and property, and obey and enforce all the ordinances of said city, and all criminal laws of the State of Ohio and of the United States of America; to report his actions and the conduct of the Police Department to the City Commission at all times when called upon to do so, and in all things to observe and obey all lawful orders and directions of said City Commission and of its members; it shall be his duty to do all things required of him by Section seven of Article five of the charter of said city, and such other duties with reference to the Municipal Court as may from time to time be required of him by the City Commission. Duties of Chief of Police.

Salary.

SECTION 2. That the salary of the Chief of Police shall be and the same is hereby fixed at twelve hundred dollars per annum, payable out of the City Treasury in semi-monthly installments, and said salary shall be in full payment for all the duties required of him under this ordinance; provided, however, that the salary of the Chief of Police for the months of February, March and April, 1914, shall be paid at the rate of eighty-three and thirty-three hundredth dollars, the salary for the months of May and June, 1914, shall be paid at the rate of one hundred and seventy-five dollars per month, and thereafter at the rate of one hundred dollars per month.

Method of payment.

Bond.

SECTION 3. That the bond of said Chief of Police shall be and the same is hereby fixed at one thousand dollars ($1000.00.)

SECTION 4. That all ordinances or parts thereof in conflict with the provisions of this ordinance be and they are hereby repealed.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Pages 36-37; March 6, 1914.)

AN ORDINANCE to prescribe the rules and conditions for the appointment of private policemen.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Commission of private policemen.

SECTION 1. That the Director of Public Safety be and the same is hereby authorized and empowered to commission private policemen in the City of Middletown.

Compensation paid by whom?

SECTION 2. Each private policeman so commissioned shall receive his compensation entirely from the persons employing him and shall not be entitled to receive any compensation from the City of Middletown.

Bond.

Filing and term of bond.

SECTION 3. Each such private policemen shall, before commencing the performance of any duty, give a bond in the sum of five hundred dollars ($500.00), with securities satisfactory to the Director of Public Safety, and shall be approved by the Director of Public Safety, and the same shall be filed with the clerk of said Board. Such bond shall be for a period of one year and shall be renewed at the end of each year.

Request for commission.

SECTION 4. At the request of any person, firm or corporation, the Director of Public Safety shall commission the persons so requested by said person, firm or corporation as a private policeman under the same terms and conditions as herein provided.

Revocation of commission.

SECTION 5. The Director of Public Safety is authorized and empowered to revoke the commission of such private policemen at any time for good and sufficient cause, and upon the revocation of such commission, all the powers of such private policemen shall cease and determine.

Power of private policemen.

SECTION 6. Any private policeman so commissioned shall be authorized and empowered to arrest any person found violating any of the laws of the State of Ohio or any ordinance of the City of Middletown in like manner and with like powers as the Public Police Force as under the Statutes of Ohio and the ordinances of the City of Middletown, Ohio.

SECTION 7. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 9, Page 63; Feb. 11, 1910.)

Empowering janitors of school buildings with police authority.

BE IT ORDAINED by the Council of the City of Middletown:

School janitors granted powers of policeman.

That each person who may be acting in the employ of the Board of Education of the City of Middletown as janitor of any school building within the city, is made and created a policeman and watchman, and is hereby empowered and authorized to do and perform police duty in and about the school building, ground and premises under his care and supervision. And such janitor is hereby authorized to arrest on view any person or persons who may be in or about any school-house or upon the grounds or premises in violation of the 55th section of the code of ordinances, and any janitor may call to his assistance any policeman or watchman to assist in making arrests whenever it shall become necessary, and bring such offending persons before the Mayor of the city for trial for entering upon the premises of any school building in the city.

Any janitor of any school building is authorized to make complaint according to law before the Mayor of the city and obtain a warrant for the arrest of any person violating the ordinances of the city protecting school-houses and school premises by persons and parties trespassing thereon.

Oath of qualification.

SECTION 2. That every person employed as janitor of any school building in the city shall make an oath before the Mayor that he will faithfully do and perform police duty for the school-house and premises under his care and supervision as janitor thereof, but this city shall not pay any salary to any such person or persons, but said janitors shall receive their costs in each case when the same is collected, and that this ordinance shall be in full force after its passage and publication.

(Sept. 26, 1890.)

AN ORDINANCE providing for the payment of members of the Fire Department and Police Department of the City of Middletown, Ohio, disabled in the discharge of their duty.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Temporary disability.

SECTION 1. That any regular member of the Fire Department or Police Department temporarily disabled in the discharge of his duty shall, while so disabled, receive full pay during a period of not to exceed three months from the date of being so disabled.

On duty or off duty.

SECTION 2. That the terms and provisions of this ordinance shall extend to any such said members so disabled whether they remain on duty or are compelled, because of such said disablement, to remain off duty.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. This ordinance is hereby declared to be an emergency measure and shall take effect at once.

(Ord. Bk. 8, Page 151; Jan. 31, 1913.)

PRISON.

To establish a prison for the City of Middletown, Ohio.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That the prison of said city shall be in the city building situated on Broad Street between Second and Third Streets.

Location of city prison.

SECTION 2. It shall be the duty of the marshal or chief of police to see that all persons confined in said prison are provided with the necessary food during such confinement, and that the said prison is kept clean and made comfortable for the inmates thereof.

Duty of Chief of Police.

The food necessary for the sustenance of the persons confined in said prison shall be furnished by the city at a cost not exceeding 25 cents for the first meal, second and third meals 20 cents, or 45 cents per day for each person.

Sustenance of prisoners.

SECTION 3. When any person arrested for any offense shall be committed for examination before the Mayor or shall be committed by the Mayor for a violation of any ordinance of said city, it shall be the duty of the marshal to receive and hold such person so committed until discharged by due course of law.

Incarceration of person arrested.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Feb. 17, 1893.)

PARKS.

To create a Park Commission for the City of Middletown, Ohio, and to confine the duties of said Commission.

BE IT ORDAINED by the Council of the City of Middletown, Ohio, as follows:

Commission of three members.

SECTION 1. That there be and hereby is created for the City of Middletown, Ohio, a Park Commission consisting of three resident freehold electors of the corporation.

Appointment and term of office.

SECTION 2. That it shall be the duty of the Mayor of the city to appoint, with the advice and consent of the City Council, three such freehold electors as such Park Commissioners, one to serve for one year, one to serve for two years and one to serve for three years, and thereafter one such Park Commissioner shall be appointed annually to serve for the full term of three years.

Compensation.

SECTION 3. Such Commissioners shall constitute a Board, to be called Park Commissioners, and they shall serve as such without compensation.

Powers and duties.

SECTION 4. Said Park Commissioners shall have power to purchase such grounds from time to time for park purposes and agree with the owner thereof upon the price to be paid for the same and report the same to the City Council at the next regular meeting occurring after the price has been agreed upon. The title to all lands purchased shall be in the City of Middletown, said Park Commissioners shall also have power to purchase and contract for enclosing the same or for the embellishment of such grounds as may be purchased for such purpose.

Title to property to vest in city.

All public parks to be governed by commission.

SECTION 5. Said Park Commissioner shall take possession and charge and have the entire management, control and regulation of all public parks belonging to the corporation, or which may from time to time be purchased for such purposes and lay the same out into avenue, walks and paths and other subdivisions, and the same shall be kept in open and in good repair for the public at all times.

Organization.

SECTION 6. The said Board of Park Commissioners shall elect one of their number as president and another thereof as clerk, and shall keep complete record of their proceedings as such, and they shall report annually to the Council in writing of all their proceedings as such Park Commissioners.

Annual report.

Park fund.

SECTION 7. All money derived from the State of bonds for the purchase of grounds for park purposes and the embellishment thereof, together with all sums derived from annual taxations for such purposes, shall be placed in a fund to be called and known as the Park Fund, and shall be expended only on the recommendation and resolution of said Park Commissioners by the City Council.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 373-374; Sept. 22, 1899.)

PEDDLERS AND STREET VENDERS.

Regulating hawkers, hucksters, peddlers, street venders and temporary stores, and fixing the amount to be paid for a license.

Necessary for peddler, street vender, etc., to obtain license.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown, Ohio,* that it shall be unlawful for any person as a hawker, huckster, peddler, street vender or other persons to sell or offer for sale in or upon any street, alley market place or public grounds within said city any horses or other animals, and fruits, vegetables, wares, meat, poultry, fish, provisions or any merchandise of any kind whatsoever, until he or she shall have first obtained from the Mayor of said city a license so to do, and shall have paid to said Mayor the license fee as follows: For one single day or night not less than three dollars and not more than ten

License fee.

dollars, and for each day or night after the first a sum of two dollars for each day or night, and an additional license fee of fifty cents to the Mayor.

Necessary for venders of medicines, remedies, etc., to obtain license.

SECTION 2. It shall be unlawful for any person to sell or offer for sale in or upon any street, alley, market place or public ground within said city any medicine, nostrum or other remedy without first obtaining a license therefore from the Mayor of said city, and shall have paid the license fees as follows: For one single day or night not less than ten dollars and not more than twenty dollars, and for each day or night after the first a sum of five dollars for each day or night, and an additional license fee of fifty cents to the Mayor.

License fees.

Transient dealer opening temporary store must have license.

SECTION 3. It shall be unlawful for any transient dealer or person to open any store or other place for the temporary sale of goods, wares or merchandise of any description within the corporate limits of the city unless such transient dealer or person shall have first obtained a license from the Mayor of said city and shall have paid to said Mayor the license fees as follows: For one single day or night not less than fifteen dollars and not more than twenty-five dollars, and for each day or night after the first a sum of ten dollars for each day or night, and an additional license fee of fifty cents to the Mayor.

License fees.

Exceptions to which ordinance does not apply.

SECTION 4. Provided that this ordinance shall not apply to or require the owner of any product of his own raising, or require the manufacturer of any article manufactured by him, license to vend or sell in way by himself or agent any such article or product, nor shall it apply to persons holding a license under the provisions of the law of Ohio, providing for license for honorably discharged soldiers or sailors of the war of the Union to peddle, hawk or auction goods; nor shall it require any bona fide resident of the City of Middletown to obtain a license to sell at private or public sale within the city limits his or her own goods or merchandise.

Must make application.

SECTION 5. Every person who, by the terms of this ordinance, must obtain a license shall at the time of procuring the same make application to the Mayor, and shall state under oath or affirmation, if required, such facts as may be applicable to such license; and upon the Mayor being satisfied that any licensed person has violated any of the provisions of this ordinance or any ordinance of the city relative to the sale of commodities herein mentioned, or has sold by short measure or light weight, or has made an untrue statement in any of the applications herein provided for, said Mayor may revoke or suspend, at his discretion, his or her license, and in case of a revocation may refuse to issue another license to such person.

Revocation of license.

SECTION 6. Any person violating any of the provisions of this ordinance or making a false statement in any of the applications herein provided for, or permitting any license issued to him or her to be used in a manner or by a person unauthorized by this ordinance, shall, upon conviction thereof, be fined in any sum not less than five dollars and not more than fifty dollars, and shall pay the costs of prosecution.

Violation and misrepresentation.

Penalty.

SECTION 7. That an ordinance entitled "An ordinance regulating hawkers, peddlers, street venders," and fixing the amount to be paid for a license, passed Feb. 10, 1888, and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 499-500-501; June 24, 1902.)

AN ORDINANCE to regulate and license the selling of ice-cream, ice-cream cones, candy, sandwiches, wienerwurst or tomali upon the sidewalks, streets and alleys of the City of Middletown, Ohio.

SECTION 1. That when there is produced to the Mayor of said city the written consent of the owner or occupant of any lot in said city that a person named therein may stand

Written consent of property owner necessary.

upon the street in front of said property with a basket, stand, push-cart or wagon and sell therefrom ice-cream, ice-cream cones, candy, sandwiches, wienerwurst or tomali, the Mayor, upon being satisfied that the person named in such consent is law-abiding, may grant to such person a license to stand at the point named in such written consent and sell the aforesaid articles for the term of one year from the date of such license, upon paying therefore for the use of said city, as follows:

Term of license.

For each wagon the sum of one hundred dollars per year.

License fees.

For each cart the sum of one hundred dollars per year.
For each stand the sum of one hundred dollars per year.
For each basket the sum of fifty dollars per year.

Revocation of license.

SECTION 2. If the consent of such property owner or occupant should be revoked, or if the licensee shall conduct himself in a disorderly manner or in any manner conduct the business so as to create a nuisance, the Mayor shall revoke the license so issued.

Violation.

Penalty.

SECTION 3. It shall be unlawful for any person to stand upon the sidewalks, streets or alleys of the City of Middletown, Ohio, and sell ice-cream, ice-cream cones, candy, sandwiches, wienerwurst or tomali from a wagon, cart, stand or basket without having obtained the license provided for in Section one of this ordinance, and any person violating the provisions of this ordinance shall be fined in any sum not exceeding fifty dollars and shall pay the costs of prosecution.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 10, Page 351; May 8, 1908.)

RAILROADS.

Regulating the rate of speed of the steam railroads in the limits of the City of Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Rate of speed for railway trains.

That it shall be unlawful for any person or persons, or company having the care, supervision or control of any railroad train, car or cars, locomotive or locomotives to run, cause or permit to be run, any such train, car or cars, locomotive or locomotives within the corporate limits of said city faster than at the rate of six miles per hour, or without ringing the bell continuously while in motion.

Penalty.

SECTION 2. Any engineer, conductor or company violating the preceding section shall, upon conviction thereof, be fined a sum not less than five dollars nor more than fifty dollars, and the costs of prosecution for each and every offense.

SECTION 3. That an ordinance entitles an ordinance to fix the speed of railroad companies when running trains, cars and locomotives within the corporate limits of the city, passed Feb. 15, 1889, be and the same is hereby repealed, and this ordinance shall take effect and be in force from and after its passage.

(August 14, 1891.)

AN ORDINANCE regulating the protection of railroad crossings in the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Safety device at grade crossing.

SECTION 1. That where a public street is crossed at the same level by a railroad, any company operating trains of cars in and over any such point, or crossing, shall at all times maintain at any such crossing either a flagman, gates, automatic alarm bell or other mechanical device, to be determined by the Director of Public Service, to warn persons desiring to use any such crossings at such times as a train or trains may be approaching any such crossing.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. This ordinance is hereby declared to be an emergency measure.

(Ord. Bk. 8, Page 94; Oct. 8, 1912.)

Granting the right-of-way to the Middletown & Cincinnati Ry. Company over and along a part of the road running north and south along the east bank of the Miami & Erie Canal and across Sixth Street, and to construct and operate a steam railroad thereon.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

That the right be and the same is hereby granted to the Middletown & Cincinnati Ry. Company to lay a single track railroad and operate the same by steam or other motive power over and along the following streets, to-wit:

The road running north and south along the east bank of the Miami & Erie Canal, as follows: Commencing at a point in said road one hundred and fifty-two feet south of the south line of Sixth Street; thence running northwardly along the said street and across Sixth Street in such an angle that when the said track is laid across Sixth Street, the west line of the said track shall be sixteen feet east of the east line of the bridge crossing the canal at said Sixth Street, measuring from the center of the said bridge:

SECTION 2. The top of the rail of the said track, when completed, shall be no lower than twelve inches below the present grade of the said Sixth Street, and not more than twelve inches below the top of the floor of the bridge at the center of said track; and the said tracks shall be so laid as not to interfere with the public travel over and along the said streets, and so as not to interfere with the free use of the bridge above mentioned, nor interfere with the operation of the same, and the said railroad company shall boulder the said Sixth Street from the west line of its said tracks to the bridge above mentioned, and extending in width from a line drawn eastwardly at a point two feet south of the said bridge. The said bouldering to be done to the satisfaction of the City Commissioner of the said city, and the said railroad company shall keep the same in repair to the satisfaction of the said officer of the City of Middletown.

SECTION 3. The said railroad company shall place planks for a distance of two feet on each side of the rails and also between the rails, extending from the north to the south side of said street, in such a manner that the same may be crossed by teams and vehicles of all kinds, and said railroad company shall maintain and keep the same in good repair to the satisfaction of the City Commissioner of said city, and the said railroad company shall place the same kind of planks and in the same manner along its tracks on the road mentioned above, where it is necessary to cross the said company's tracks to reach and use the said road.

The said planks to be placed in position as soon as the tracks are laid and under the supervision of the Street Commissioner of said city.

SECTION 4. The said railroad company shall construct and maintain safety gates on said Sixth Street, and shall furnish a watchman to operate the same when ordered to do so by the Council of the City of Middletown.

SECTION 5. The said company shall not allow or permit trains, cars or engines to stand on any street crossing nor on said road for more than five minutes at any one time, in such a manner as to obstruct the said streets, and to permit the free crossing of the same by teams and vehicles of all kinds.

SECTION 6. The said railroad company shall pay all damages of whatever kind to any property by the erection of a railroad across or along any of the streets mentioned herein, and shall save the city harmless from any claim or claims for damages that may be due to the operation of a railroad across or along any of the streets mentioned in this ordinance.

SECTION 7. The city reserves the right to lay or construct sewers under the tracks of the said company whenever the Council finds it necessary to do so, and the said railroad company shall permit the said city to lay or construct said sewers under the said tracks without any claims for damages of whatever kind that may arise on account of the construction of said sewers.

SECTION 8. If said railroad company shall fail or neglect to perform any of the stipulations and agreements of this ordinance by said railroad company to be performed as compensation for the right granted herein, then this ordinance shall be repealed and said company shall not use the streets mentioned herein for railroad purposes.

SECTION 9. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Nov. 29, 1892.)
(Amend. Feb. 24, 1893.)

To grant the right to the Middletown & Cincinnati Ry. Company to construct and operate a steam railroad across Curtis Avenue to the Miami & Erie Canal, and the road running north and south along the east bank of said canal.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That the right be and the same is hereby granted to the Middletown & Cincinnati Ry. Company to construct and operate by steam or other motive power, a double track railroad across the following streets in the City of Middletown, to-wit: Curtis Avenue at a point about four hundred feet south of Fairmount Avenue to a point about three hundred and seventy feet south of said Fairmount Avenue on the west side of Curtis Avenue; the water-way running from Curtis Avenue to the Miami & Erie Canal at a point about one hundred and eighty-three feet west of Curtis Avenue.

Also a single track railroad across the road running north and south along the east bank of the Miami & Erie

Canal, from the east side of the railroad to the east bank of said canal at a point about eighty-five feet south of the alley running east and west on the south side of lot 1308 to a point about opposite the said alley.

All the right-of-way granted herein being along the line surveyed and staked by said railroad company, and is granted under the terms and conditions contained in said ordinance.

SECTION 2. The fill to be made by said railroad company across the said Curtis Avenue to be no higher than to an elevation of twenty-three and sixty-seven hundredths (23.67) feet above the common standard of the City of Middletown.

SECTION 3. The said railroad company shall grade all streets crossed by it with its said tracks, with gravel in a good, workmanlike manner, according to the stakes to be given by the city engineer, extending from the fill to the water-way, and from the south track to such a point as the city engineer may direct, and to the satisfaction of the City Commissioner, which grade shall extend from the east to the west side of said streets. The said grade shall be completed as soon as possible so that the travel will not be obstructed along the said streets. The said grade is to be made and completed under the directions of the City Commissioner.

SECTION 4. The said railroad company shall place sewer pipe under the fill and under the grade to be made by it as above set forth, which sewer pipe shall be of such capacity as will carry off all water to be drained along said streets; the size of the same to be to the satisfaction of the city engineer and to be placed in position according to the plans to be furnished by said city engineer.

SECTION 5. The said railroad company shall place planks for a distance of two feet on each side of the rails, extending from the east to the west of the street in such a manner that the same may be crossed by teams and vehicles of all kinds, and said railroad company shall keep the same in good repair to the satisfaction of the city commissioner.

SECTION 6. The said railroad company shall construct and maintain safety gates on said streets and shall furnish a watchman to operate the same whenever the safety of the public requires the erection of the same, and when ordered to do so by the Council of the City of Middletown.

SECTION 7. The said railroad company shall not allow or permit trains or cars or engines to stand on any street crossing for more than five minutes at any one time, in such a manner as to obstruct the said streets, and prevent the free crossing of all teams and vehicles across the tracks of the said company.

SECTION 8. The said railroad company shall construct a bridge across the water-way mentioned in this ordinance, and the abutment of the same shall be at least ten feet apart, and shall boulder and cement the water-way under the said bridge according to the plans to be furnished by the city engineer.

SECTION 9. The city reserves the right to lay sewers under the railroad track of said railroad company whenever the Council of said city finds it necessary to do so, and the said railroad company shall permit the said city to construct such sewers without any claim for damages arising out of such construction, but this city shall use a ll reasonable means to construct such sewers so as not to hinder, delay or obstruct the said railway company in the proper transaction of its business or render the same dangerous while said sewer is being constructed.

SECTION 10. The said railroad company shall permit the said city to cross its tracks and property, saving and excepting the property owned by said railroad company fronting on Sixth Street, Curtis Avenue and the road along the canal known as the "Phipps property," with the streets of the said city to be constructed, erected or extended across the grounds, not the tracks, of the said company without claiming any compensation for land taken or for damages resulting from the extension of said streets.

SECTION 11. The said railroad company shall curb and gutter the property owned by it whenever the Council of said city shall order those owning property on either side of the property owned by said railroad company to do so.

SECTION 12. Said railroad company shall pay all damages to all property that may be damaged by the erection and operation of a railroad across the said streets, and shall save the city harmless from any claims for damages that may be due to the operation of a railroad across the said streets mentioned herein.

SECTION 13. The said railroad company shall provide for the proper drainage of the road running along the canal in such a manner as the city engineer may direct.

SECTION 14. This ordinance shall take effect and be in force from and after its passage.
(May 2, 1892.)
(Amend. Oct. 28, 1892.)

To grant the right to the Middletown & Cincinnati Railroad Company to construct and operate a single track railroad in and along Clinton Street, from its southern terminus to its intersection with the Miami & Erie Canal, under certain terms and conditions.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown, Ohio,* that the right be and the same is hereby granted to the Middletown & Cincinnati Ry. Company, a corporation duly organized under the laws of Ohio, to construct and operate by steam, electricity or other motive power a single track railroad in and along Clinton Street from its southern terminus to its intersection with the Miami & Erie Canal, and across all streets intersecting said Clinton Street between the points hereinbefore mentioned; also northward along the Miami & Erie Canal from Clinton Street to the northern corporation line of the city, and across all streets between the points hereinbefore mentioned.

SECTION 2. The right-of-way herein granted is upon the terms and conditions hereinafter set forth.

SECTION 3. The said railroad company shall construct said track as near as possible in the center of said Clinton Street and along the crown thereof, and the said railroad company shall keep the space between the tracks ballasted with gravel or broken stone in such a manner that the same may be crossed by vehicles of all kinds, and so as not to interfere with the free use of said railroad track by said railroad company for the purposes of transportation.

SECTION 4. The said railroad company construct and maintain between its tracks and for a distance of twelve inches on each side thereof, good and sufficient planks where said railroad crosses any street within the corporate limits or which may hereafter be crossed by said railroad company, and said crossings and planks shall be constructed and kept in good repair to the satisfaction of the City Commissioner of said City of Middletown.

SECTION 5. The said railroad company shall not permit any freight cars, trains, locomotives, or other cars or engines to stand in and along Clinton Street, or on any crossing for a period of time longer than five minutes, provided, however, that in case of accident or in case of breaking of any car, the said company shall have sufficient time to repair the accident, remove said broken car, or other material.

SECTION 6. The said railroad company shall not permit any train, locomotive or cars to pass in and along said Clinton Street or across any street of this city at a faster rate of speed than six miles per hour.

SECTION 7. Said railroad company shall cause the engineer, fireman or other person in charge of any train when crossing any street to give an alarm by ringing a bell when within two hundred feet of any crossing.

SECTION 8. Said railroad company shall construct and maintain at the crossings of the streets crossed by it with its said railroad tracks safety gates; and operate the same free of any expense to the City of Middletown, or said railroad company may be required to station a flagman to protect the public and warn the same of approaching trains whenever the same shall be deemed necessary by the City Council of the said City of Middletown.

SECTION 9. The said railroad company shall construct said gates and operate same, or place said flagman at said crossings within thirty days after being notified to do so by the City Council.

SECTION 10. The City of Middletown reserves the right to lay, construct and operate under and across said railroad track, water mains, gas mains, sewers or other apparatus that may be deemed necessary by the City Council, or any other board of the City of Middletown, but said city, when about to construct under or across the said railroad track any such gas main, water mains, sewers or other apparatus, shall give ten days' notice to said railroad company that said city is about to construct said work, so that said railroad company may protect its said track from any injury arising on account of the construction of said work, and protect itself from injury to passing trains that may arise on account thereof.

SECTION 11. The said railroad company shall not permit any cars, trains or locomotives to stand on any street of said city except for such time as may be necessary for passenger trains to receive and discharge its passengers and baggage with safety, except as provided in Section five.

SECTION 12. The said railroad company shall pay all damages arising out of the construction and operation of its said railroad track in and through the City of Middletown, and shall save the City of Middletown harmless from any claim or claims for damages of any kind arising out of such construction or operation of its said railroad.

SECTION 13. The said railroad company shall complete the building of its said railroad track and shall operate the same on or before one year from and after the passage and publication of this ordinance, provided that in the computation of time, no time for which said railroad company shall be enjoined and restrained from constructing or operating its said railroad, shall be included, and in case said railroad company shall fail or neglect to build and operate its said railroad within the time herein set forth, this grant shall be null and void.

SECTION 14. In case said railroad company shall at any time after the completion of its said track, discontinue the use of same as a railroad track for any period of time longer than three months, then this ordinance shall be null and void, and all grants herein given to said railroad company shall after thirty days' notice given it by the City of Middletown remove its racks, ties and other material from said streets and restore the streets used by it to the same condition as they were when this grant was given, without any expense to the City of Middletown.

SECTION 15. In case said railroad company shall fail to construct any plank crossings across the streets as set forth in Section four, and shall fail to keep same in good repair, then said City of Middletown may construct same or repair at the cost and expense of said railroad company, and may for this purpose cause to be levied and assessed a special tax on said railroad company to pay the costs and expenses of constructing or keeping in repair said street crossings, the said special tax to be collected as other taxes.

SECTION 16. The said City of Middletown reserves the right and said railroad company shall permit said city to cross the right-of-way of said railroad company within the City of Middletown with any new streets which the City Council may hereafter deem necessary for the public welfare; and said railroad company shall permit said City of Middletown to cross its right-of-way with said streets, and shall make no claim or claims for damages of any kind on account of crossing said railroad and right-of-way with street or streets.

SECTION 17. Said railroad company shall within thirty days after the passage of this ordinance agree in writing to the acceptance of the provisions of this ordinance, and before proceeding to lay any track or construct any portion of said railroad, have said written acceptance on file in the office of the city clerk.

SECTION 18. Said ordinance shall take effect and be in force from and after its publication according to law.

(Ord. Bk. 11, Pages 182-183-184-185; March 22, 1895.)

Re quiring the Cincinnati, Lebanon and Northern Railway Company to light its railway within the limits of the City of Middletown, Ohio, and repealing all ordinances of said city heretofore passed in reference thereto.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That it is deemed necessary by the City Commission of the City of Middletown, State of Ohio, to have the railway within the limits of said City of Middletown lighted and that said The Cincinnati, Lebanon & Northern Railway Company be and it is hereby required to light its railway within the limits of said city with electricity and erect such poles as may be necessary for that purpose to be located, as follows:

At the intersection of Curtis Avenue with the right-of-way of said company, at a point between Woodlawn Avenue and Forest Avenue, such light to be equivalent to four hundred candle power.

At the intersection of Sixth Street with the right-of-way of said company, at a point west of Curtis Avenue, such light to be equivalent to two hundred candle power.

At the intersection of Forest Avenue with the right-of-way of said company, at a point west of Young Street, such light to be equivalent to two hundred and fifty candle power.

At the intersection of Young Street with the right-of-way of said company, at a point north of Grand Avenue, such light to be equivalent to two hundred and fifty candle power.

At the intersection of Baltimore Street with the right-of-way of said company, at a point north of Grand Avenue, such light to be equivalent to two hundred and fifty candle power; and at the intersection of Garfield Avenue with the right-of-way of said company, at Grand Avenue, such light to be equivalent to two hundred and fifty candle power.

All such lights shall be kept lighted the same hours each night as the street lights of said City of Middletown are kept lighted.

SECTION 2. That the clerk of the City Commission be and he is hereby directed to give notice to said The Cincinnati, Lebanon and Northern Railway Company of the passage of this ordinance by delivering a copy thereof to said company or the person or corporation having possession, charge or management of said railway, and if said railway is not lighted as herein required within twenty days from the receipt of this notice, said lighting will be done by said city and the expense thereof assessed against said company in the manner provided by law.

SECTION 3. All ordinances or parts of ordinances heretofore passed and now effective are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 3, Pages 462-463; Oct. 1, 1915.)

Granting to the C. L. & N. Ry. Co. the right to construct, operate and maintain an additional track across Curtis Avenue, in Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

SECTION 1. That the right be and the same hereby is granted unto The C. L. & N. Ry. Co., its successors and assigns, to construct an additional track across Curtis Avenue between Woodlawn Avenue and Forest Avenue in said City of Middletown, as follows:

The said track shall be constructed across said Curtis Avenue, parallel to the main track of the Middletown and Cincinnati Ry. as now constructed, and on the south side thereof, the center line of the proposed track to be thirteen feet from the center of the said main track.

SECTION 2. The said track shall be laid at the established grade of Curtis Avenue at that point, and shall conform to the grade of the main line as now constructed, and the same shall be maintained at such grade.

SECTION 3. The said company shall cause said track to be planked from property line to property line on said street, between the rails and on each side thereof, the space between the tracks, that is, between said additional track and the main line, to be constructed, shall in like manner be planked or surfaced with other material satisfactory to the Board of Public Service, and the said planks shall be maintained to the full satisfaction of the Board of Public Service of the City of Middletown, or its successors having charge of the streets and public ways of the city.

SECTION 4. The said company shall place or cause to be placed when requested to do so by the said Board of Public Service or its successors, broken stone on each side of the tracks of said company and for a distance of fifteen feet therefrom, to be placed at such grade and to such depth as may be prescribed by the said Board of Public Service or its successors, and be at all times maintained so that the approach to and across said tracks of said company shall at all times be reasonable and proper.

SECTION 5. The City of Middletown reserves the right to construct in and along Curtis Avenue and under the space occupied by the tracks of said tracks of said railroad company, water mains and pipes, gas mains and pipes, sewers or any other work that may be necessary, and if it be necessary in order that such work may be constructed in a workmanlike manner and safe to workmen, the city may cause the said track herein authorized to be constructed to be temporarily taken up until said work may be completed, and the said railroad company shall provide for the care of its said tracks as may be necessary until the said work may be completed, and in case it may be necessary to remove any such tracks so that the said work may be properly done, the said railroad company shall relay the same at its own expense or at its own expense take care of its said tracks while the said work is being done.

SECTION 6. The said railroad company shall at no time permit any cars to stand upon said street crossing, or any portion of the street, nor permit said crossing to become obstructed at any time for any longer time than it may be necessary to cross the same with its said cars or engines.

SECTION 7. The said railroad company shall at all times save the City of Middletown free and harmless from any and all claims for damages that may be caused or claimed to be caused by the construction, maintenance or operation of the said tracks across said street.

SECTION 8. The said tracks shall be laid and the planks or other material herein provided for shall be laid under the direction and to the satisfaction of the Board of Public Service or their authorized representative.

SECTION 9. The said railroad company shall pay all costs and expenses of publishing this ordinance in the manner provided by law.

(Ord. Bk. 11, Pages 561-562-563; Oct. 9, 1903.)

Granting to the Cincinnati, Lebanon and Northern Railway the right to construct, maintain and operate tracks across streets and alleys in the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That permission be and the same is hereby granted to the Cincinnati, Lebanon and Northern Railway Company to construct, maintain and operate tracks upon and across Canal Street, the first alley south of Sixth Street and east of the Miami and Erie Canal, Curtis Avenue, Forest Avenue, the first alley south of Forest Avenue, and west of Baltimore Street, South Young Street, Baltimore Street, Garfield Avenue, Grand Avenue, Cremo Avenue, the first alley west of Waite Street and south of Grand Avenue, and street in the City of Middletown, Ohio, as shown on the blue print now on file in the office of the clerk of the City of Middletown, Ohio, marked "Plat of proposed track of the Cincinnati, Lebanon and Northern Railway Company, across and upon various streets and alleys between Waite Street and Sixth Street in the City of Middletown, Ohio.

SECTION 2. Said tracks mentioned and designated in Section 1 shall be constructed and maintained under the direction and to the satisfaction of the Director of Public Service of the City of Middletown or his successors in office.

SECTION 3. The said railway company and its successors shall cause to be constructed on every crossing of every street and alley crossed by said railway tracks to be planked on each side of the rail, and the space between the tracks shall be filled with such material as shall be satisfactory to the Director of Public Service or his successors in office, and the said crossings shall at all times be maintained by the said railway company, its successors or assigns, to the satisfaction of the said Director of Public Service or his successor or successors having charge of streets and alleys in the City of Middletown.

And if the said railway company, its successors and assigns shall fail to maintain said crossings so as to make the same reasonably safe for the passage of vehicles of all kinds, the City of Middletown shall cause the same to be done at the cost and expense of said railway company, its successors and assigns.

SECTION 4. The said railway company shall at all times so operate its trains along said tracks so that no street crossing shall be blocked by any engine or cars for a longer period than five minutes at a time.

SECTION 5. The City of Middletown at all times retains the right and privilege of constructing in said streets or alleys crossed by said railway tracks sewers and drain mains for its water works system, and shall have the right to permit the said tracks to be crossed for the construction of gas mains and conduits for electric wires or for any other construction lawfully to be permitted in such streets or alleys.

SECTION 6. The said C. L. & N. Ry. Co., its successors and assigns, shall at all times save the City of Middletown free and harmless from any and all loss or damage for damage arising out of the construction and operation of the said railway across said streets and alleys.

SECTION 7. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 480-481; Sept. 29, 1911.)

To regulate the speed of locomotives and cars on the main line of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company within the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

Speed limit to be twenty-five miles per hour.

SECTION 1. That it shall be unlawful for any person or persons to run, drive or otherwise propel, or cause to be run, driven or otherwise propelled, any locomotive or railroad car over or along the main line of the C. C. C. & St. L. Ry. Co. within the corporate limits of the City of Middletown, Ohio, at a higher rate than twenty-five miles per hour.

Violation.

Penalty.

SECTION 2. That any person or persons violating the provisions of this ordinance shall be guilty of a misdemeanor, and on conviction thereof before the Mayor, shall be fined in any sum not exceeding twenty-five dollars and the costs of prosecution.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 536; Feb. 27, 1903.)

Requiring the Cleveland, Cincinnati, Chicago and St. Louis Railway Company to light its railway within the City of Middletown, Ohio, and repealing all ordinances in conflict therewith.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That it is deemed necessary by the City Commission of the City of Middletown, Ohio, to have the railway within the limits of said city lighted, and that the Cleveland, Cincinnati, Chicago and St. Louis Railway Company be and it is hereby required to light its railway within the limits of said city with electricity, and erect such poles as may be required, located as follows:

At the intersection of Third Street with the right-of-way of said company at Water Street, light equivalent to 606 candle power.

At the intersection of Third Street with the right-of-way of said company between Doty Street and Charles Street, light equivalent to 400 candle power.

At the intersection of Fourth Street with the right-of-way of said company between Crawford Street and Grimes Street, light equivalent to 400 candle power.

At the intersection of First Street with the right-of-way of said company at Water Street, light equivalent to 400 candle power.

At the intersection of Fourth Street with the right-of-way of said company at Water Street, light equivalent to 400 candle power.

At the intersection of Charles Street with the right-of-way of said company near Clarendon Avenue, light equivalent to 404 candle power.

At the intersection of Clark Street with the right-of-way of said company at a point north of Plum Street, light equivalent to 404 candle power.

At the intersection of Second Street with the right-of-way of said company at Water Street, light equivalent to 250 candle power.

At the intersection of Woodlawn Avenue with the right-of-way of said company, just west of Waite Street, light equivalent to 250 candle power.

At the intersection of Grand Avenue with the right-of-way of said company, just west of Waite Street, light equivalent to 250 candle power.

At the intersection of Broad Street with the right-of-way of said company at Hydraulic, light equivalent to six hundred candle power.

All such lights shall be kept burning the same hours each night as the street lights of said city are kept lighted.

SECTION 2. That the clerk of the City Commission be and he is hereby directed to give notice to the Cleveland, Cincinnati, Chicago & St. Louis Ry. Co. of the passage of this ordinance by delivering a copy thereof to said company or the person or corporation having possession, charge or management of said railway, and if said railway is not lighted as herein requested within twenty days from the receipt of this notice, said lighting will be done by said city and the expense thereof assessed against said company in the manner provided by law.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. All ordinances or parts of ordinances heretofore passed and not repealed are hereby repealed, and any and all resolutions or articles of agreement in any manner relating thereto are hereby abrogated and discontinued.

(Ord. Bk. 3, Pages 460-461; Oct. 1, 1915.)

Granting the right to the Cleveland, Columbus, Cincinnati & Indianapolis Railway Company.

SECTION 1. *BE IT ORDAINED by the Council of the Village of Middletown:*

That the right-of-way be hereby granted to the Cleveland, Columbus, Cincinnati & Indianapolis Ry. Company to build and operate by steam or motive power for transportation, a single railroad track across and over certain streets within the corporation of said village; commencing at a point near the Catholic cemetery grounds on the east line of Clark Street, crossing said street westwardly; thence to and across Main and Broad Streets to a point near where the said streets intersecting at or near where such contemplated railroad company proposes to cross the Middletown Hydraulic, and from thence to the intersection of the northern end of Water Street, west side, and from thence on said street on and along the west bank of the Middletown Hydraulic, to a point near the south line of First Street, continuing said track on west side of Middletown Hydraulic in front of Oglesby, Moore & Co's. paper mill, to Second Street; thence crossing the Middletown Hydraulic diagonally to the east side of said hydraulic on Water Street at First Street; from thence along the east side of hydraulic on Watre Street at First Street; from thence along the east side of hydraulic on Water Street, crossing Second to Third; thence across on the west side; thence southwardly across Fourth Street to or near west side of Water Street, and from thence on and along Water Street near west side, to south line of Fifth Street; all of which right-of-way is granted with the express understanding that a sufficient space or width for a single railroad track on said street and crossing is intended. And street permission is given to said railroad company to use the same for the purpose of transporting its cars by steam or motive power over said track, also to leave its cars standing on sidetrack, on conditions hereinafter named.

SECTION 2. All crossings of streets, alleys or public highways, where sidetracks across within the corporate limits, shall be planked between the rails and not less than twelve inches outside of each rail, and to be kept in good repair by said railroad company so long as it occupies the same.

SECTION 3. Said railroad company shall ballast with good gravel or broken stone its track on and along Water Street from starting point to termination, crossing all the ties and timbers so as to be passable for teams or vehicles of any or whatever kind; and it shall keep the same in good repair to the satisfaction of the street committee of said village; not, however, to be construed as to require said railroad company to ballast so heavily as to interfere with the free passage of car trucks or rails.

SECTION 4. The running speed of its locomotives or cars within the corporation, west of east line of Broad Street (including crossings on Clark Street) shall not exceed four miles per hour. It shall cause notice to be given when approaching any crossing of streets or alleys within the corporation, west of east side of Clark Street, by ringing a bell when within two hundred feet of said crossing. All trains or engines in approaching Third Street shall come to a full stop within one hundred and not further off than two hundred feet from said street, and shall not cross until the way is clear on crossing the street.

SECTION 5. The said railroad company shall not be permitted to let its cars remain on its tracks at any point on Water Street between the north end of Water Street and the north side of Third Street, longer than six hours during daylight, after the same have been unloaded, or reloaded, and same conditions shall apply on Water Street south of Fourth Street.

SECTION 6. Cars shall not be permitted to stand on or occupy Water Street between Third and Fourth Streets after they have become detached from locomotive; permission is given to attach a switch to main track on Water Street between Third and Fourth Streets for the purpose of crossing hydraulic to Globe Paper Mill.

SECTION 7. Said railroad company shall not be permitted to let its cars or locomotives remain on any street crossing longer than allowed by law, five minutes.

SECTION 8. Said railroad company shall make at its own expense all necessary drains, culverts or sluice-ways, under said track, and keep the same in good repair to the satisfaction of the street committee of said village so long as it continues to occupy said street.

SECTION 9. Said railroad company shall make and keep its tracks on a level with the crown of street or streets and at crossing of streets, and it shall not make a greater fill on Water Street between Fourth and Fifth Streets than twelve to eighteen inches above the present surface of street.

SECTION 10. Said railroad company shall hold the incorporated village aforesaid harmless as to any damage to property of whatever kind, on and along said railroad track.

SECTION 11. In the case the said railroad company fails to complete said track and operate the same on or before Jan. 1, 1883, then the grant of right-of-way shall be null and void and of no further force; or should such railroad company at any time after the completion of said track, discontinue the use of same for a longer period than two months, or at only long intervals during said two months, then this ordinance shall be of no further force, except said railroad company shall remove said track, repair and put in good order to the satisfaction of the street committee of Council of said village, all streets, crossings of streets, drains, culverts, etc. On failure to do so, the street committee of Council shall proceed and cause such tracks to be removed and repair said streets and collect from said railroad company all costs attending same, in such a manner as provided by law in the collection of any other debt.

SECTION 12. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 13, 1882.)

To grant permission to the Cleveland, Cincinnati, Chicago and St. Louis Ry. Company to extend its railroad switch from the "Gardner Paper Mill" property up Water Street and across Third Street to the property of the Palmer Milling Company.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown,* that permission is hereby granted to the Cleveland, Cincinnati, Chicago & St. Louis Ry. Company to construct and operate a single track railway for switching purposes, in and along and across the following streets, to-wit:

Commencing at the terminus of its present switch in the west side of Water Street opposite the property of the Tytus Gardner Paper and Manufacturing Company, known as "The Gardner Paper Mill," thence along Water Street and across Third Street to the property of the Palmer Milling Company. All grants herein made are upon the conditions and limitations herein contained.

SECTION 2. In consideration of the grant herein made, the said The C. C. C. & St. L. Ry. Co. shall permit the City of Middletown to extend upon and use for street purposes across the right-of-way of the said company, Grand Avenue, as the same is known and designated, so that the same will be a continuous thoroughfare across the right-of-way of said company.

SECTION 3. The said tracks shall be laid across Third Street within ten days after the passage of this ordinance and fully completed within sixty days, and where it crosses Third Street the same shall be constructed according to the plans, profiles and grades of L. A. Dillon, engineer in charge of the paving of said Third Street.

SECTION 4. The said crossing of Third Street shall be paved between the tracks and for a distance of eighteen inches on each thereof, with the same material and at the same time, and in the manner provided in the specifications, therefore as the city may use on remaining portions of said street ,and the city may cause the said paving to be done with its contract for paving said Third Street and collect the costs and expenses thereof from said railway company, and said crossing shall be kept in good repair to the satisfaction of the City Council of said City of Middletown or any officer delegated to have control and charge of its public streets.

SECTION 5. The said railway company shall construct its said tracks along Water Street and maintain same in such a manner as to be of as little hinderance to public travel as the construction and maintenance of said railroad track will permit.

SECTION 6. The said railway company shall not permit any engine, car or cars to stand upon said crossing nor shall said railway company obstruct said crossing in any way for a longer period than three minutes at any one time.

SECTION 7. The said railway company shall use all reasonable means to warn the public when crossing said street of the approach of its engines and cars, and shall at all times obey such ordinances of the city now in force and which may hereafter be adopted by the City Council with reference to railroads crossing public streets in said city.

SECTION 8. Upon failure of said railroad company to comply with any order of the City Council to repair the street crossed by it, or in and along which its said tracks are laid, the same may be done by the city at the costs and expense of said railway company.

SECTION 9. The said railway company shall save the city harmless from all claims or claims for damages arising out of the construction and operation of said railway in and along or across said streets.

SECTION 10. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 270-271; Oct. 8, 1897.)

Granting to the Cleveland, Cincinnati, Chicago and St. Louis Ry. Company the right to construct, operate and maintain an additional sidetrack across Broad Street in the City of Middletown.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

SECTION 1. That the right be and the same hereby is granted unto the C. C. C. & St. L. Ry. Co., its successors and assigns, to construct a switch track across Broad Street in the City of Middletown, Ohio, substantially as follows:

Commencing at a point on Broad Street about five feet south of the present Middletown Branch track crossing said Broad Street, thence eastwardly across said Broad Street on a 16-degree curve to the east side of Broad Street, and to a point about ten feet south of the present switch track above referred to, and substantially on the line designated on the plat or map of said proposed track on file in the office of the Clerk of the City of Middletown.

SECTION 2. The said track shall be laid at the established grade of said Broad Street and shall be maintained at such grade, and shall not in any manner interfere with the flow of water in and upon said street.

SECTION 3. The said company shall cause said track to be planked on each side of the tracks, and the space between said tracks, and the space between the present track and the proposed track shall be filled with broken stone, or other material satisfactory to the Board of Public Service of the City of Middletown, Ohio. The said planks, broken stone or other satisfactory material shall be placed from property line to property line on said street, and shall at all times be maintained to the full satisfaction of the Board of Public Service of said city, or any other board or officer having charge or control of the public streets in said city.

SECTION 4. The said company shall cause broken stone to be placed, when requested to do so by the Board of Public Service, for a distance of fifteen feet on each side of the tracks crossing said Broad Street, to be placed at such depth and at the grade prescribed by the Directors of Public Service or their successors in office, and shall at all times be maintained to the full satisfaction of said board or its successors.

SECTION 5. The City of Middletown reserves the right to lay in Broad Street and across the tracks of said company gas and water mains, or public sewers, and the said railway company shall maintain its tracks while said work is being done and for that purpose, if necessary, the city may temporarily remove the tracks until the work is completed, and said company shall relay its tracks and do all other work required free of expense to the city.

SECTION 6. The said company shall at no time permit any cars or engines to stand upon said crossing or any portion of the street, nor permit said crossing to become obstructed at any time for any longer length of time than may be necessary to cross the same with its cars or engines.

SECTION 7. The said company shall at all times save the City of Middletown free and harmless from any and all claims for damages that may be caused or claimed to be caused by the construction, maintenance or operation of the said track across said street.

SECTION 8. The said company shall pay all costs and expenses of publishing this ordinance in the manner provided by law.

SECTION 9. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 575; March 11, 1904.)

Granting to the Cincinnati, Cleveland, Chicago and St. Louis Railroad Company the right to construct a railroad switch in and along Sorg Street in Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the right be and the same is hereby granted to The Cincinnati, Cleveland, Chicago and St. Louis Ry. Company to construct, operate and maintain a railroad switch in and along Sorg Street as follows:

Commencing at a point in Sorg Street at the intersection of Second Street and at the line of the property owned by the said railroad company, thence southwardly along Sorg Street and across Second Street to the property of the

American Tobacco Company, substantially along the line shown on the plat of the said proposed switch on file in the office of the Clerk of the Board of Public Service of said city.

SECTION 2. That said railroad switch shall be so constructed as not to interfere with the ordinary travel in and along said street. The spaces between the tracks shall be planked with proper crossing boards and the space on either side of said tracks shall be either planked or protected with broken stone so as to make the crossing of said tracks safe and easy, and all said work shall be done under the supervision and to the satisfaction of the Board of Public Service of said city, or its successors.

SECTION 3. The said railroad company shall not permit any cars to stand on said street nor permit the said street to be blocked for a longer period than five minutes at any one time, and the said switch shall be so operated as not to interfere with the usual and ordinary travel on said street, and shall be used for no other purpose than switching cars to and from the plant of The American Tobacco Company or its successors.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 10, Pages 111-112; Nov. 10, 1905.)

To grant to the Cincinnati, Cleveland, Chicago and St. Louis Railroad Company the right to construct a railroad switch in and along Charles Street in Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the right be and the same is hereby granted to the Cincinnati, Cleveland, Chicago and St. Louis Railroad Company to construct, operate and maintain a railroad switch in and along Charles Street, as follows:

Commencing at a point in Charles Street eighteen and one-half (18.5) feet more or less, southwest of the most southerly spur across Charles Street, and on the line of the present track of said railway company across Charles Street, thence across Charles Street curving to the left on a curve of twenty-eight degrees, more or less, to the property of The American Tobacco Company, substantially along the line shown on the plat of said proposed switch, said proposed switch being marked in yellow, on file in the office of the Clerk of the Department of Public Service of said city.

SECTION 2. The said railway switch shall be so constructed as not to interfere with the ordinary travel in and along the said street. The spaces between the tracks shall be planked with proper crossing boards, and the spaces on either side of said tracks shall be either planked or protected with broken stone, so as to make the crossing of said tracks safe and easy. All of the paving of said Charles Street shall be fully restored to as good condition as the same now is, and all of said work shall be done under the supervision of and to the satisfaction of the Department of Public Service or its successors in office.

SECTION 3. The said railroad company shall not permit any cars to stand on said street nor permit the said street to be blocked for a longer period than five minutes at any one time; and the said switch shall be so operated as not to interfere with the usual and ordinary travel on said street, and shall be used for no other purpose than switching cars to and from the plant of The American Tobacco Company, its successors and assigns.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 9, Page 156; June 10, 1910.)

Requiring the Cincinnati, Hamilton and Dayton Railway Company to light its railway within the City of Middletown, Ohio, and repealing all ordinances in conflict therewith.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That it is deemed necessary by the City Commission of the City of Middletown, Ohio, to have the railway within the limits of said city lighted, and that the Cincinnati, Hamilton and Dayton Railway Company be and it is hereby required to light its railway within the limits of said city with electricity and erect poles as may be required, located as follows:

At the intersection of Woodlawn Avenue with the right-of-way of said company, at a point east of Garfield Avenue, a light equivalent to two hundred and fifty candle power.

At the intersection of Grand Avenue with the right-of-way of said company, at a point between Garfield Avenue and the right-of-way of the C. C. C. & St. L. Railroad, a light equivalent to two hundred and fifty candle power.

At the intersection of Campbell Avenue with the right-of-way of said company, at a point near Garfield Avenue, a light equivalent to two hundred and fifty candle power; and

At the intersection of Michigan Avenue with the right-of-way of said company, at a point near Baltimore Street, a light equivalent to two hundred and fifty candle power.

All such lights to be kept lighted the same hours each night as the street lights of said city are kept lighted.

SECTION. 2 That the Clerk of the City Commission be and he hereby is directed to give notice to the Cincinnati, Hamilton and Dayton Railway Company of the passage of this ordinance by delivering a copy thereof to said company or the person or corporation having possession, charge or management of said railway, or the receiver thereof of either of them, and if said railway is not lighted as herein required within twenty days from the receipt of this notice, said lighting will be done by said city and the expense thereof assessed against said company, in the manner provided by law.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 3, Page 458; Oct. 1, 1915.)

To grant to the Cincinnati & Dayton Ry. Company the right to extend and maintain the present main track of said Cincinnati & Dayton Ry. Company across Fourth Street, in the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, Ohio:

SECTION 1. That the right be and the same is hereby granted that the Cincinnati & Dayton Ry. Company to extend and maintain the present main tracks of said Cincinnati & Dayton Ry. Company, which now lies parellel with the main track of the Cleveland, Cincinnati, Chicago & St. Louis Ry., across Fourth Street in the City of Middletown, Ohio, to a point opposite and immediately adjoining the building formerly occupied as a carriage factory on the north side of Fourth Street.

SECTION 2. The said railroad company shall maintain said crossing as the same grade of Fourth Street, and shall plank said crossing between the rails and not less than twelve inches outside of each rail for the entire width of said crossing, and shall at all times maintain said track and crossing in good condition and repair so as to allow the public fuel free and adequate use of said Fourth Street for the purpose of passengers passing thereon by foot passengers, teams and vehicles of all kinds, and to the satisfaction of the street commissioner.

SECTION 3. The said railroad company shall not allow or permit trains or cars or engines to stand on said street crossing for more than five minutes at any one time in such a manner as to obstruct the said street and prevent the free crossing of all foot passengers, teams and vehicles.

SECTION 4. The city reserves the right to lay sewers and water mains under the railroad track of said railroad company whenever the proper authorities of said city find it necessary to do so, and the said railroad company shall permit the said city to construct such sewers and water mains without any claim for damages the rising out of such construction.

SECTION 5. Said railroad company shall pay all damages to all property that may be damaged by the erection and construction of said railroad across said street and shall save the city harmless from any claims or damages that may be done to the operation of a railroad across the said Fourth Street.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication.
(Ord. Bk. 11, Pages 387-388; Dec. 27, 1899.)

Granting the right-of-way to the Gardner Paper Company, of Middletown, Ohio, to build and use a railroad switch over certain streets in Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown, Butler County, Ohio*:

That the right be and is hereby granted to the Gardner Paper Company, of Middletown, Ohio, a corporation duly organized under the laws of Ohio, to use and occupy a part of Water and Fourth Streets in said city for the purpose of constructing, maintaining and using a railroad switch for steam cars, so as to connect the paper mill property of said company with the railroad switch of the Cleveland, Columbus, Cincinnati & Indianapolis Railway Company, now located on Water Street, in said town.

Said right-of-way hereby granted being over and along the following route:

Beginning at a point on Water Street and in the present track of said railroad company, one hundred and fifty feet south from the south line of Fourth Street in said town; thence northwardly on Water Street to the south line of Fourth Street, striking said Fourth Street so that the west rail of the switch so to be constructed by the said Gardner Paper Company shall be seventeen and one-twelfth feet west from the west rail of the track of the said railroad company, as it now goes down Water Street, thence northwardly across Fourth Street and the Middletown Hydraulic race, to the north bank of said hydraulic race, thence northwardly along the west side of Water Street, one hundred and fifty feet, more or less, to the north line of the property owned by the Gardner Paper Company. The privileges hereby granted being subject to any and all rights heretofore granted to the Middletown Hydraulic Company by said city.

SECTION 2. The grant hereby given by this ordinance to use and occupy any part of either Fourth Street or Water Street by the Gardner Paper Company, its successors or assigns, is expressly given and granted upon the terms only that the said Gardner Paper Company shall build, construct and lay down its railroad switch in such a manner as not to incumber or interfere with the free use of the streets for passing persons and teams going over and across its switch on the streets, or allow or permit its cars or any railroad cars to stand or remain on that part of the switch so as to stop the teams and persons passing on the streets for any time exceeding five minutes at any one time.

The Gardner Paper Company also shall be required on its part to strongly plank on either side and between the rails of its railroad switch on either of the said streets, and its switch shall be made and shall be maintained safely for passing teams at all times without any expense to the corporation of the City of Middletown.

SECTION 3. The City Council hereby reserves the right to determine the manner of construction of said railroad switch and what grades and fills may be required to be done by said Gardner Paper Company, so as to protect the use of and travel upon the street over the railroad switch at the place herein contemplated, and also when, and the amount of repairs to be done on the switch.

SECTION 4. And a further reservation is made by the City Council, that the grant of right-of-way given to the Gardner Paper Company shall not in any way or manner prevent or prohibit the City Council from the right or authority to give or to grant to any other person, party or corporation of persons, the right and privilege of using the above named streets for railroad purposes and uses, at and over the streets aforesaid and at the points and places before mentioned in this ordinance.

SECTION 5. This ordinance shall take effect and be in force from and after its passage.

(Oct. 3, 1887.)

Granting the right-of-way to the W. B. Oglesby Paper Co., of Middletown, Ohio, to construct, operate and maintain a railroad switch along the west side of Water Street from Second Street to First Street.

BE IT ORDAINED by the City Council of Middletown, Ohio, as follows:

SECTION 1. That the right be and the same is hereby granted to the W. B. Oglesby Paper Co., of Middletown, Ohio, to construct and operate and maintain a railroad switch for steam cars so as to connect the paper mill property of said company with the railroad switch of the Cleveland, Columbus & Indianapolis Railroad Company, now located on Water Street in said city.

Said right-of-way being over and along the following route: Commencing on the east side of Water Street at a point near Second Street between First and Second Streets in said city; thence crossing the race-way of the Hydraulic Company to the west side of Water Street, and thence along the west side of Water Street to First Street, the privileges hereby granted being subject to any and all rights heretofore granted to the Middletown Hydraulic Company of said city.

SECTION 2. The said railroad switch shall be constructed along such grades as may be most convenient and to the satisfaction of the city engineer and the street commissioner of said city.

SECTION 3. Said grant is further subject to the right of the City of Middletown to grant to any other person, persons or corporations, the right to use said railroad switch to reach any mill or manufactory, and the City of Middletown shall have the right to use said railroad switch to reach the water works or pumping station of said city.

SECTION 4. The said W. B. Oglesby Paper Co. shall place planks for a distance of two feet on each side of the rails extending from the east to the west side of that part of Water Street crossed by said switch in such a manner that same may be crossed by teams and vehicles of all kinds, and shall keep same in repair, provided the City Council deem the same necessary.

SECTION 5. The said W. B. Oglesby Paper Co. shall pay all damages that may be caused in any way by the construction or operation of said railroad switch, and shall forever hold the city free and harmless from any claim or claims for damages arising out of the construction, operation and maintenance of said railroad switch.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 391-392; March 13, 1900.)

To grant the Wrenn Paper Company the right to construct a switch across Fourth Street at a point west of the Hydraulic Race, in the City of Middletown.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the right be and the same is hereby granted to The Wrenn Paper Company, of Middletown, Ohio, to construct a railroad switch in and along Fourth Street from the property of the Gardner Paper Company across the property of The Hydraulic Company, and thence across and along Fourth Street, west of the hydraulic raceway, substantially as defined on a plat or map of the same filed with the application for such right, and on file in the office of the Board of Public Service of the City of Middletown.

SECTION 2. The said switch track shall be so constructed as not to interfere with public travel in and along said Fourth Street, and the same shall be constructed and the space between the tracks planked or otherwise filled and kept filled, as required by the Board of Public Service of the City of Middletown, and the said track shall be constructed, completed and maintained to the satisfaction of the Board of Public Service of the City of Middletown.

SECTION 3. The said The Wrenn Paper Company shall at all times hold the City of Middletown free and harmless and indemnified against any and all claims for damages of whatever kind arising out of or connected with the construction or maintenance of the said switch.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 10, Page 95; Aug. 11, 1905.)

AN ORDINANCE to grant to William J. Sebald and his assigns the right to construct, operate and maintain a private switch track across a sixteen-foot alley running north and south one hundred and thirty-five feet west of Curtis Avenue.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

SECTION 1. That the right be and the same is hereby granted to William J. Sebald, his heirs and assigns, to construct, operate and maintain a private switch track across an alley running north and south one hundred and thirty-five feet west of Curtis Avenue.

SECTION 2. Said private switch track shall be constructed across said alley, from the property of the C. L. & N. Ry. to the property of said William J. Sebald, about one hundred and seventy feet northwardly from Sixth Street, and shall be so constructed as not to interfere with the travel, passage and use of said sixteen-foot alley by the owners of abutting property or public.

SECTION 3. Said switch track across said alley shall be planked on each side of the rails of said switch track and between the rails thereof, and shall be constructed under the supervision of and to the satisfaction of the Board of Public Service of the City of Middletown, and the said crossing shall be kept in good repair by the said William J. Sebald to the satisfaction of the Board of Public Service.

SECTION 4. No cars shall be permitted to stand across said alley, and said crossing shall only be used for the purpose of switching cars to the property owned by the said William J. Sebald.

SECTION 5. The said William J. Sebald shall at all times save the City of Middletown free and harmless from any and all claims for damages arising out of the construction, operation and maintenance of the said switch track.

SECTION 6. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 10, Pages 323-324; Feb. 14, 1908.)

To grant to The Middletown Electric Light & Power Company the right to extend its railroad switch along the west side of Clinton Street in front of the real estate owned by it.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the right be and the same is hereby granted to The Middletown Electric & Power Company, its successors and assigns, to erect and maintain in and along the west side of Clinton Street an extension of its railroad switch, in front of lot number 1203, as the same is known and designated on the recorded plat of Middletown, Ohio, being the premises owned by said company, for the purpose of switching cars to its plant and unloading therefrom.

SECTION 2. Said extension of said switch track shall be constructed under the supervision and to the satisfaction of the Board of Public Service of said city, and shall be maintained to the satisfaction of said Board or its successors in office.

SECTION 3. The said The Middletown Electric & Power Company, its successors and assigns, shall at all times save the City of Middletown free and harmless from any and all loss or damage by reason of the construction, operation and maintenance of said railroad switch.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 10, Page 168; Sept. 5, 1906.)

Granting to The Wardlow-Thomas Paper Company the right to construct, operate and maintain a railroad switch across and along an alley running east and west and south of Sixth Street, and from the towing path of the Miami & Erie Canal to a point that would interest the westerly line of the property owned by The Wardlow-Thomas Paper Company.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That the right be and the same is hereby granted to The Wardlow-Thomas Paper Company, its successors and assigns, the right to construct, operate and maintain a railroad switch across and along an alley running east and west (being the first alley south of Sixth Street) from the towing path of the Miami & Erie Canal, to a point that would interest the westerly line of the property owned by The Wardlow-Thomas Paper Company, under the terms and conditions hereinafter stated.

SECTION 2. The said The Wardlow-Thomas Paper Company shall at all times hold the City of Middletown free and harmless from any claim or claims for damages of any kind whatsoever arising out of the erection, construction and maintenance of said railroad switch, and shall at all times maintain proper planking in said alley-way over said tracks to the satisfaction of the City Commission.

SECTION 3. The said railroad switch shall be constructed substantially along the line shown on a blue print attached to the application of said The Wardlow-Thomas

Paper Company, asking permission to construct said railroad switch, and to which plat reference is hereby made.

SECTION 4. The said The Wardlow-Thomas Paper Company shall pay the costs and expenses of the publication of this ordinance and all other expenses arising out of the application and the granting of this ordinance.

SECTION 5. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 464; Oct. 1, 1915.)

REGISTRATION OF ADDRESS.

Requiring the registration of change of address of residents of the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Registration required.

SECTION 1. That it shall be unlawful for any person, firm or corporation owning or operating any moving van, furniture car, transfer wagon or vehicle of any kind, to haul or move or cause to be hauled or moved any article of household goods, trunks or personal effects in the possession or custody of any resident of the City of Middletown, changing the place of his or her residence, until there has been recorded in a book to be kept for that purpose, the full name of the owner or the person in possession or custody of such household goods, trunks or personal effects, together with the address of the place from which and the place to which such hauling or moving is to be done, with the date thereof and the name of the owner and person in charge of such vehicle.

Record to be kept.

Time of filing statement.

SECTION 2. Every person owning or operating any such vehicle as aforesaid shall, on Monday of each week, file in the office of the Clerk of the City Commission a full and correct statement for the previous week, giving all the information as required to be kept in Section one of this ordinance. Upon receipt of such statement the Clerk of the City Commission shall immediately file same in his office and such statement shall be open to inspection by the

Duty of Clerk.

public. It is hereby declared to be the duty of said Clerk of the City Commission to make and preserve a register showing such changes of addresses.

Unlawful Deception.

SECTION 3. That it shall be unlawful for any person to give a fictitious name or to deceive the owner or person in charge of any such vehicle so hauling or moving household goods, trunks or personal effects as to the ownership thereof.

Penalty.

SECTION 4. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five dollars nor more than twenty-five dollars.

SECTION 5. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 281; Dec. 4, 1914.)

SEWERS.

Regulating the terms and conditions upon which public sewers may be tapped for private drains.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Must Obtain permit.

That any person who shall empty into or tap any public sewer, without first procuring a permit therefore from the City Clerk, shall forfeit and pay the sum of not less than five dollars nor more than twenty-five dollars on conviction thereof before the Mayor, and each day that any person shall continue to drain into any public sewer without permission shall be considered a separate offense.

Penalty.

Clerk to grant permits.

SECTION 2. The City Clerk shall be authorized to grant permits to persons desiring to tap the public sewers for private drains, provided that any person obtaining such permits shall become bound unto the City of Middletown with surety satisfactory to such clerk, to indemnify the city against liability for any damage whatever, which may be caused by such private drains entering the public sewers whether from back water or other causes, and to close such taps whenever required by the Council to do so without expense to the city, provided that if the city acquires by purchase or otherwise any sewer constructed by any person or company, such sewers shall not be tapped by any person nor shall permission to tap the same be granted unless such person shall pay for the privilege, a sum equal to one-half of the cost of constructing the same in front of the property benefited thereby, the same to be determined by Council on the recommendation of a competent engineer. And all privileges are granted under such rules as to the construction and use of private drains as Council may, from time to time, drain and establish.

Who may make connections.

SECTION 3. Repealed by Section 2, Ord. Bk. 3, Page 239; Oct. 9, 1914.

Persons may be authorized by Council.

SECTION 4. No person shall be authorized to do the work of making connections with any of the public sewers or drains, or lateral connections until he has furnished to Council a satisfactory certificate, signed by at least two reputable persons that the applicant is fully qualified for the duties he undertakes, and previous to being authorized or licensed the party applying shall file a bond with the City Clerk in a sum not less than one thousand dollars, with two or more sureties approved by Council, conditioned that he will indemnify and save harmless the City of Middletown from all loss or damage that may be occasioned in any wise by accident, or the want of care or skill on his part, in the prosecution of such work, or that may be occasioned by reason of any opening by him hade in any street, lane, alley or avenue, in the making of any connection with any public or private sewer aforesaid; and conditioned also, that he will promptly and at the proper time replace and restore the street over such opening to as good state and condition as he found it previous to opening the same, and that he will conform in all respects to the rules and regulations which may, from time to time, be established by the City Council in relation to putting junctions and tapping any of the public sewers or drains.

Bond.

Conditions.

Pipes must be unobstructed.

SECTION 5. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the public sewers and drains has been laid, for the purpose of carrying off animal refuse from water-closets, slops from kitchens or for other purposes, to allow the same to remain without good and perfect fixtures so attached, and to keep the same unobstructed.

Each day the same are permitted to remain without such fixtures for supplying said water, shall be deemed a separate and distinct offense.

No obstruction should be thrown in catch basin.

SECTION 6. No butcher's offal or garbage, dead animals or obstructions of any kind whatever, shall be placed, thrown or deposited in any receiving basin or sewer, and every person who shall violate this ordinance shall be subject to the penalty hereinafter prescribed for each offense, and any person injuring, breaking or removing any portion of any receiving basin, covering, plate, man-hole cover, or any part of any sewer appurtenances, or obstructing the mouth of any sewer or drain shall be subject to the penalty hereinafter prescribed.

Size of connections.

SECTION 7. No drain from any house, store or tenement shall be connected with any public sewer in this city otherwise than by drain pipe, which shall be six inches in diameter unless otherwise ordered by the City Council.

What application must contain.

SECTION 8. All applications for permits must be made in writing by the party employed to do the work, and must be accompanied by the signature of the owner or his or their authorized agent or attorney of the premises for whose benefit the application is made, and must state location, name of owner, number of buildings to be connected, and how occupied, which application must be reported by the City Clerk to the Council at the next regular meeting after the same has been granted and preserved by said Clerk.

Penalty for violation.

SECTION 9. Any person authorized or licensed to make connections with sewers and drains, who shall be guilty of the violation of any of the provisions of this ordinance or any ordinance relating to sewers shall be immediately deprived of his license. And any person who shall be guilty of any violation of this ordinance or any ordinance relating to the subject of sewers shall, upon conviction thereof before the Mayor of the City of Middletown, be fined in any sum not less than ten dollars and not more than one hundred dollars, at the discretion of the Mayor.

SECTION 10. That this ordinance shall take effect and be in force from and after its passage.
(Oct. 23, 1891.)

To regulate the connection with any sewer or drain of the City of Middletown, Ohio, by licensed sewer tappers.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

Written notice to be given.

SECTION 1. That after a permit to tap any sewer or drain within the City of Middletown, Ohio, has been issued to any licensed sewer tapper, notice in writing must in all cases be left at the office of the Building and Plumbing Inspector of said city by the person who is about to make the connection with any such sewer or drain, stating the time when such work will be ready for inspection, previous to making such connection. This notice must be left at the office of the said Building and Plumbing Inspector at the City Hall, between the hours of nine A. M. and four P. M. on the day previous to making such connection. No such connection shall be made in the absence of said inspector.

Time for filing notice.

Persons to make connections.

SECTION 2. Connections with and openings into any sewer or drain shall be made only by a person authorized and approved by the Building and Plumbing Inspector of said city and by none others.

Penalty.

SECTION 3. Any person authorized or licensed to make connections with sewers or drains in said city who shall be guilty of any violation of the provisions of this ordinance shall be immediately deprived of his license and shall, on conviction thereof in the Municipal Court of said city, be fined in any sum not less than ten dollars and not exceeding fifty dollars, at the discretion of the court.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 3, Page 239; Oct. 9, 1914.)

Creating a Board to be known as the Sewer Assessing Board, defining their duty and fixing salary.

BE IT ORDAINED by the Council of the City of Middletown, Ohio:

Creation of Board.

SECTION 1. That a Board to be known as a Sewer Assessing Board be and the same is hereby created, to be composed of three disinterested freeholders, residents of the City of Middletown, Ohio, whose duty it shall be to apportion to the abutting and benefited the property the sums of money to be assessed against the same to pay the costs and expenses of sewers heretofore or hereafter to be constructed within said city.

Duties.

Compensation.

SECTION 2. Each member of said Board shall receive the sum of ($5.00) five dollars per day for each day so actually employed, to be paid out of the general fund on the order of Council.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 8, Page 78; July 25, 1912.)

SIDEWALKS.

AN ORDINANCE to fix the width of sidewalks in the City of Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Width of sidewalks.

That the width of sidewalks on all streets in the City of Middletown, except where otherwise designated by Council, shall be one-fifth of the width of the street between property lines.

SECTION 2. This ordinanc shall take effect and be in force from and after its passage and publication according to law.
(March 14, 1893.)

Requiring openings in sidewalks in the City of Middletown to be securely covered and prescribing the manner of covering.

BE IT ORDAINED by the City Commission of the City of Middletown, Ohio:

SECTION 1. That it is hereby declared to be unlawful for any owner of lands abutting on any public street or alley within the City of Middletown to maintain in or on the sidewalk abutting such property any covering or grating over any excavation in or under such sidewalk unless such covering or grating shall be so constructed as to be of the same grade and flush with the sidewalk surrounding it; such covering or grating shall be substantially constructed of metal and the exposed portion thereof shall not be smooth and shall be such as to permit its safe use by persons passing thereon.

Manner of covering.

Construction of covering.

SECTION 2. Any owner of property within said city maintaining any covering or grating in or on any sidewalk or over any excavation in or under such sidewalk, which said covering or grating is considered unsafe or unsound by the City Commission of said city, shall, within ten days after having been notified by the Clerk of the City Commission, so to do, cause such covering or grating to be made safe and secure.

Unsafe covering to be remedied.

Notice

SECTION 3. Any person convicted of a violation of any of the provisions of this ordinance may be fined in any sum not more than fifty dollars.

Penalty.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 280; Dec. 4, 1914.)

SINKING FUND TRUSTEES.

To fix the amount of the bond to be given by each member of the Board of Sinking Fund Trustees.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

SECTION 1. That before entering upon their duties each member of the Board of Sinking Fund Trustees shall

Bond.

give bond to the City of Middletown in the sum of two thousand dollars, conditioned by law, with some surety or fidelity company authorized to do business in the State of Ohio as surety. The costs and expenses of such bonds and the premium to be paid therefore shall be paid annually out of the general expense fund of the corporaion.

How cost of bond paid.

SECTION 2. This ordinance shall take effect and be in force upon and after its passage, its approval by the Mayor and publication according to law.

(Ord. Bk. 11, Page 547; June 12, 1903.)

STREETS.

AN ORDINANCE fixing the amount of assessments to be paid by property bounding and abutting upon any street improved by paving.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Paving assessment against abutting property.

SECTION 1. That all property bounding and abutting upon any street which may hereafter be paved in the City of Middletown, Ohio, shall be assessed by the front foot or in proportion to the benefits which may result from said paving, or by a percentage of the tax value of said property, for the entire cost of such said paving, less one-fiftieth thereof and the cost of intersection; which said cost of such said paving to be assessed against the abutting property, as herein provided, shall include the expense of the preliminary and other surveys, and of printing and publishing the notices, resolutions and ordinances required, and the serving of such notices, the cost of construction, together with interest on bonds issued in anticipation of the collection of defined assessments, and all other necessary explanations.

Cost of paving.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. This ordinance is hereby declared to be an emergency measure.

(Ord. Bk. 8, Page 122; Nov. 29, 1912.)

To prevent the throwing of rubbish, paper, dirt or other substance upon paved streets, the burning of paper, rubbish or other substance upon said streets, and to prevent the pouring, spilling, or permitting to spill of oil upon any asphaltic pavement in the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, Ohio, as follows:

Throwing or putting dirt, rubbish, paper, etc., on paved street.

SECTION 1. That it shall be unlawful for any person or persons to cast, throw, sweep, or otherwise put or place upon any paved street of the City of Middletown, any paper, dirt, rubbish, sand, lime or any other substance or material which will have a tendency to deface, injure or destroy the pavement of any of said streets, or which has a tendency to make any of such streets unsightly or dirty.

Burning rubbish, etc., on paved street.

SECTION 2. Repealed by Ord. Bk. 11, Page 434; Nov. 23, 1900.

Pouring or throwing oil on paved street.

SECTION 3. It shall be unlawful for any person or persons to pour, throw, cast or otherwise place upon any street paved with asphalt any oil of any kind or permit to be thrown, spilled, cast or poured such oil in or upon any of such paved streets.

Wagons carrying oil to be constructed to prevent spilling.

SECTION 4. All wagons used for the purpose of carrying or transferring oil, and all other vehicles in which oil of any kind is being carried or transferred shall be so constructed as to prevent any oil being carried or transferred in any such wagon from being spilled upon any asphaltic pavement.

Penalty for violation.

SECTION 5. Any person or persons convicted of a violation of this ordinance shall be fined in any sum not less than five dollars and not more than twenty-five dollars and the costs of prosecution, and shall be further liable in a civil action for all damages caused to any such street or streets or pavement thereof by reason of a violation of this ordinance.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 266; Sept. 10, 1897.)

To prohibit the burning of any substance upon any paved street or paved alley of the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, Ohio, as follows:

Burning of rubbish, etc., on paved street.

SECTION 1. It shall be unlawful for any person to burn upon any paved street or paved alley of the City of Middletown, Ohio, any paper, leaves, filth, dirt, rubbish or any other substance.

Violation.

Penalty.

SECTION 2. Whoever burns upon any paved street or paved alley of the City of Middletown, any paper, leaves, filth, dirt, rubbish or any other substance shall, on conviction, be fined not more than twenty dollars or imprisoned not more than ten days, or both.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and publication according to law.

(Ord. Bk. 11, Page 434; Nov. 23, 1900.)

To prevent rubbish, gravel, dirt, earth, etc., from being thrown or cast upon any street, alley, public highway, etc.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Unlawful to cast rubbish or other material on street.

That it shall be unlawful for any person or persons to throw, cast or dump, or cause to be thrown, cast or dumped any earth, dirt, gravel, sand, rubbish or any other material whatsoever, in or upon any street, alley, lane, avenue or any other public places whatsoever, within the corporate limits of said city, without first having obtained the consent of the Council of said city.

Penalty.

SECTION 2. That any person or persons violating any of the provisions of this ordinance shall, upon conviction thereof before the Mayor, be fined not more than twenty dollars nor less than one dollar, with costs of prosecution.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication.

(Feb. 15, 1893.)

AN ORDINANCE prohibiting traction engines on any of the paved streets or alleys of the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Running of traction engine on paved street.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to propel, draw or run, or cause to be propelled, drawn or run, any traction engine on, over or across any paved street or alley in the City of Middletown, Ohio, provided that the provisions hereof shall not apply where such person or persons, firm or corporation has obtained from the Director of Public Service of the City of Middletown, Ohio, a permit to propel, draw or run such traction engine over such paved street or alley.

Permit to be obtained.

Violation and penalty.

SECTION 2. Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not less than five dollars ($5.00) or more than one hundred dollars ($100.00).

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 9, Page 440; Aug. 11, 1911.)

To narrow First Street in Middletown, Ohio, west of the Middletown Hydraulic and to vacate a portion of said street.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

That Whereas, on the 12th day of March, 1909, a petition by The W. B. Oglesby Paper Company, the owner of lot No. 1704, as known and designated on the recorded plat of Middletown, Ohio, and said lot being in the immediate vicinity of and abutting upon that portion of First Street in said city which lies west of the Middletown Hydraulic, was duly presented to Council praying for the narrowing of the west end of said First Street by vacating the following portion of said street, to-wit: Commencing in said First Street and being at the west bank of the Middletown Hydraulic, running thence to the west end of said First Street, and being a strip of land twenty (20) feet in width coming evenly off of the south side of said street, and,

Whereas, notice of the said pendency and prayer of said petition has been given, as required by law, by publication in The Middletown News-Signal and The Middletown Journal, Newspapers of general circulation in said corporation, for six consecutive weeks prior to May 1st, 1909, and,

Whereas, Council upon hearing is satisfied that there is good cause for said narrowing of said street and vacation of said portion thereof, as prayed for in said petition, and that it will not be detrimental to the general interest and ought to be made.

Now, Therefore, BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That a portion of First Street in said city be narrowed by vacating the following portion of said street, to-wit: Commencing in said First Street at the west bank of the Middletown Hydraulic, running thence westward 240 feet on said First Street at the west bank of the Middletown Hydraulic, and being a strip of land twenty (20) feet in width, coming evenly off of the south side of said street, and said portion of said street be and the same is so narrowed, and said portion of said street be and the same is hereby vacated.

SECTION 2. Said The W. B. Oglesby Paper Company shall pave at its own expense with vitrified brick the remaining width of said street, commencing at the west bank of said Middletown Hydraulic, running thence westward as far as the curb on the north side of said street now extends, said paving shall be done to the satisfaction of the Board of Public Service or the City Engineer, or such other person as may be designated by said city, and shall be completed within the period of twelve months from this date.

SECTION 3. The said company, its successors or assigns, shall at all times save the City of Middletown free and harmless from any and all loss for or connected with said work of narrowing, vacating and paving said street.

SECTION 4. Said The W. B. Oglesby Paper Company shall construct a good and substantial bridge across the Middletown Hydraulic thirty feet in width, said bridge to be located by the City Engineer, and said bridge shall be approved by The Middletown Hydraulic Company, said bridge to be constructed within twelve months from this date.

SECTION 5. Said The W. B. Oglesby Paper Company shall file with the Clerk of the City Council its written acceptance of each and every provisions of this ordinance and its agreement to comply with each and every provision hereof, within thirty days from and after the passage of this ordinance.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 10, Page 510; May 21, 1909.)

To grant to the Tytus Gardner Paper and Manufacturing Company the privilege of driving and using a well in the alley west of Main Street and between Second Street and Third Street.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown,* that permission be and the same is hereby granted to the Tytus-Gardner Paper and Manufacturing Company, its successors and assigns, to drive a well six inches in diameter in the alley west of Main Street and between Second Street and Third Street.

SECTION 2. The said well to be driven in said alley shall be so driven as to be of no interference with the public use of said alley, when finished the bowlders in said alley shall be returned and restored and the surface of same shall be returned in as good condition as the same now is and no opening of any kind shall be in the surface of said alley, when said well is completed.

SECTION 3. The said The Tytus-Gardner Paper and Manufacturing Company shall hold the City of Middletown harmless from any claim or claims for damages that may arise out of the driving or maintaining said well in said alley, but all such damages, if any, shall be paid by said Tytus-Gardner Paper and Manufacturing Company.

SECTION 4. This ordinance shall take effect and be in force from and after its passage.

(Ord. Bk. 11, Page 180; Feb. 21, 1895.)

To grant to The W. B. Oglesby Paper Company, its successors and assigns, the right to construct and maintain an iron pipe across Water Street in Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

SECTION 1. That the right be and the same is hereby granted to The W. B. Oglesby Paper Company, its successors and assigns, to construct and maintain across Water Street in Middletown, Ohio, an iron pipe, not more than twenty-four inches in diameter, to connect its property on the east side of Water Street with its property on the west side of Water Street for the purpose of blowing rags through said pipe.

SECTION 2. The plan for the construction of said pipe and the location thereof shall be first submitted to and approved by the Board of Public Service of the City of Middletown, Ohio.

SECTION 3. No portion of said pipe shall be less than twenty-five feet above the grade line of the said street, and shall be so constructed as not to interfere with any use of the said street nor with any other matter or thing lawfully constructed in said street nor with the use thereof.

SECTION 4. The said The W. B. Oglesby Paper Company, its successors and assigns, shall at all times hold the City of Middletown free and harmless from any and all claims for damages arising out of the construction and maintenance of the said iron pipe across the said street, and the said pipe shall at all times be so maintained as not to cause any damage to the City of Middletown and maintained to the full satisfaction of the Board of Public Service or its successors in office.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 576; April 8, 1904.)

To grant to The Colin Gardner Paper Company permission to erect a platform in Water Street, between Third Streets and Fourth Streets, so as to connect its mills with the railroad in said street at said place.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That the right be and the same is hereby granted to The Colin Gardner Paper Company to erect in Water Street, between Third and Fourth Streets in said city, a platform so as to connect its mills with the railroad tracks in said street, and be used for the purpose of unloading cars with material for its said mills and to load said cars with materials from its said mills.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 10, Page 28; April 14, 1905.)

To narrow Second Street between West Alley and Water Street and to vacate portions of said street between said points.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Whereas, on the 10th day of July A. D., 1908, a petition by The Paul A. Sorg Company, owning lots in the immediate vicinity of Second Street from West Alley to Water Street, was duly presented to Council, praying that said

Second Street between said points be narrowed to a width of twenty feet and that there be vacated a strip running along the north side of said street extending from West Alley to Water Street, and also a similar strip on the south side of said street, leaving the width of said streets twenty feet, said twenty feet to be situated in the middle of the present street, and,

Whereas, notice of the pendency and prayer of said petition has been given, as required by law, by publication in The Middletown News-Signal and The Middletown Journal, newspapers of general circulation in said corporation, for six consecutive weeks, ending August 28, 1908, and,

Whereas, Council upon hearing is satisfied that there is good cause for such narrowing of said street and vacation of said portions thereof, as prayed for in said petition, and that it will not be detrimental to the general interests and ought to be made.

Now, Therefore, BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

SECTION 1. That Second Street from West Alley to Water Street be and the same is hereby narrowed to a width of twenty feet, and that a strip running along the north side of said street from West Alley to Water Street of twenty feet in width from the property line be and the same is hereby vacated, leaving the width of said street twenty feet, to be situated directly in the middle of said street, and the right is hereby granted unto The Paul A. Sorg Company, its successors and assigns, to extend its buildings so as to cover the respective strips on the north and south sides of said Second Street hereby vacated.

SECTION 2. It is hereby made one of the conditions of this grant that said twenty foot space, which is not vacated by this ordinance, shall remain free and unobstructed, except as to a small bridge not to exceed six feet in width which shall connect the parts of said paper mill situated on north and south sides of said street, said bridge to be not less than eighteen feet above the surface of said street.

SECTION 3. The said company shall keep the portion of said street between said buildings free, unobstructed and clear of all boxes, barrels, dirt, rubbish, debris and all other obstructions, to the entire satisfaction of the Board of Public Service, or its successors, or any other offices or officers of said city having charge of the cleaning of the public streets of said city.

SECTION 4. The said company shall keep said street between said buildings lighted at all times to the full and entire satisfaction of the Board of Public Service or its successors in office.

SECTION 5. The City of Middletown or any other person or corporation now or hereafter authorized so to do, may at any time enter upon said street for the purpose of constructing, laying, altering or repairing any public or private sewer, water pipes, gas pipes or any other public utility lawfully on said street.

SECTION 6. It is made one of the conditions of this grant that said company shall pave at its expense said street from Main Street to West Alley, a width of thirty feet, with park space on each side thereof, and shall pave Second Street from West Alley to Water Street; said paving shall be done to the satisfaction of the Board of Public Service or the City Engineer, or such other proper person as may be designated by said city, said paving shall be done within the next twelve months.

SECTION 7. All expenses incident to or growing out of said narrowing and vacation of said street, including advertising, the expenses of any engineer employed by said city for any purpose in connection therewith, and any inspector employed by said city, and the costs and expenses for plans, specifications, profiles and grades arising out of or connected with said work, shall be paid by said grantee herein, its successors or assigns.

SECTION 8. The said company, its successors and assigns, shall at all times save the City of Middletown free and harmless from any and all loss for damages or claims for damages arising out of or connected with said work of vacating and paving said street.

SECTION 9. Said The Paul A. Sorg Paper Company, its successors and assigns, shall file with the Clerk of the City Council its written acceptance of each and every provision of this ordinance and its agreement to comply with each and every provision hereof within thirty days from and after the passage of this ordinance.

SECTION 10. This ordinance shall take effect and be in force from and after its passage and publication according to law and its acceptance as herein provided for by said The Paul A. Sorg Paper Company, its successors and assigns.

SECTION 11. An ordinance, No. 86, adopted by the Council of the City of Middletown, March 9, 1906, be and the same is hereby repealed.

(Ord. Bk. 10, Pages 428-429-430; Sept. 22, 1908.)

STREET NAMES.

To change the name of South Broadway.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

South Broadway to Lincoln Street.

That the name of South Broadway from Seventh Street to its southern terminus be and the same is hereby changed to Lincoln Street.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

(March 14, 1893.)

To change the name of Coles' road.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That the name of Coles' road, from the corporation line where the same was located previous to July 19, 1892, eastward to the corporation line as now located, be and the same is hereby changed to Third Street.

Coles' Road to Third Street.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

(March 14, 1893.)

To change the name of Broadway Extension.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That the name of Broadway Extension, from its intersection with Broad Street to Wardlow Street, be and the same is hereby changed to Vandeveer Street.

Broadway Extension to Vanderveer st.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 14, 1893.)

To change the name of Blue Ball pike.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That the name of Blue Ball pike, from its intersection with Third Street to the corporation line, be and the same is hereby changed to Sutphin Avenue.

Blue Ball Pike to Sutphin Avenue.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 14, 1893.)

To name the road running north and south along the east bank of the Miami & Erie Canal, from its intersection with Yankee Road to the south corporation line.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Woodside Avenue.

That the road running north and south along the east bank of the Miami & Erie Canal, from its intersection with Yankee Road to the south corporation line, shall, from and after the passage and publication of this ordinance, be known as Woodside Avenue.

SECTION 2. That this ordinance shall take effect from and after its publication according to law.

(March 14, 1893.)

To change the name of Cooper Street to Trinity Place.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Cooper Street to Trinity Place.

SECTION 1. That the name of Cooper Street be and the same is hereby changed to "Trinity Place."

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

(Ord. Bk. 10, Page 99; Sept. 22, 1905.)

AN ORDINANCE to change the name of Sorg Street in the City of Middletown, Ohio, to Charles Street.

BE IT ORDAINED by the Council of the City of Middletown, Ohio:

Sorg Street to Charles Street.

SECTION 1. That the name of Sorg Street in said city be and the same hereby is changed to the name of Charles Street.

SECTION 2. Any ordinance now in force in said city inconsistent herewith is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 10, Page 390; July 10, 1908.)

AN ORDINANCE to change the name of Holbrook Street in the City of Middletown, Ohio, from Holbrook Street to Garfield Avenue.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Holbrook Street to Garfield Avenue.

SECTION 1. That the name of Holbrook Street in said city be and the same is hereby changed from Holbrook Street to Garfield Avenue.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 10, Page 402; Aug. 14, 1908.)

AN ORDINANCE changing the name of Young Street in the City of Middletown, Ohio, from Third Street to Fourth Street to the name of Curtis Avenue.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Young Street to Curtis Avenue.

SECTION 1. That the name of Young Street in the City of Middletown, Ohio, from Third Street to Fourth Street be and the same hereby is changed to the name of Curtis Avenue.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest date allowed by law.

(Ord. Bk. 9, Page 13; Sept. 10, 1909.)

AN ORDINANCE establishing a name for the street located on the east side of Graff's Addition to the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:

Douglas Avenue.

SECTION 1. That the street located on the esat side of Graff's Addition, in the Fourth Ward of the City of Middletown, Ohio, being twenty-eight (28) feet in width, be and the same is hereby named "Douglas Avenue."

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 232; Oct. 14, 1910.)

AN ORDINANCE fixing the name for the street recently purchased by the City of Middletown, Ohio, through the land of Fred Hummel, et al.

BE IT ORDAINED by the Council of the City of Middletown, Ohio:

Michigan Avenue.

SECTION 1. That the street recently purchased by the City of Middletown, Ohio, through the land of Fred Hummel, et al, being fifty (50) feet in width and extending from Yankee Road in said city to Woodside Avenue, be and the same is hereby named "Michigan Avenue."

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 233; Oct. 14, 1910.)

AN ORDINANCE to change the name of Crane Street to the name of First Street, whereas on the 11th day of Nov. A. D., 1910.

Petition for change of name.

A petition by persons owning lots in the immediate vicinity of Crane Street was duly presented to Council praying that the name of said street be changed from Crane Street to the name of First Street, and whereas Council upon hearing is satisfied that there is good cause for the changing of the name of said street, and that it will not be detrimental to the general interest, and ought to be made; now, therefore, *Be it ordained by the Council of the City of Middletown, State of Ohio*:

Crane Street to First Street.

SECTION 1. That the name of Crane Street in the City of Middletown, Ohio, be and the same is hereby changed to the name of First Street.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 238; Nov. 11, 1910.)

To change the names of certain streets in the City of Middletown, Ohio.

Whereas, certain petitions by persons owning lots in the City of Middletown in the vicinity of and abutting on certain streets have been filed praying for the change of name thereof, and the City Commission of the city, upon hearing, is satisfied that there is good cause for such change of name, and that it will not be detrimental to the general interest, and,

Whereas, there are names of streets in said city which are the same and only one thereof should be designated by the original name.

Now Therefore, BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That the name of Campbell Avenue, running eastwardly from Grove Avenue to the C. C. C. & St. L. Railroad, be and the same is hereby changed to Armco Avenue;

Campbell Avenue t Armco Avenue.

That the name of Elm Avenue, running southwardly from Campbell Avenue to the corporation line of the city, be and the same is hereby changed to Walnut Street;

Elm Avenue to Walnut Street.

That the name of Frank Avenue, running eastwardly from Mary Etta Avenue to Auburn Avenue, be and the same is hereby changed to Clayton Street;

Frank Avenue t Clayton Street.

That the name of Grover Street, running southwardly from Eleventh Street to the corporation line of the city, be and the same is hereby changed to Minnesota Street;

Grover Street t Minnesota Street.

That the name of Linkins Street, running southwardly from Woodlawn Avenue to the corporation line of the city, be and the same is hereby changed to Wilson Street; and

Linkins Street to Wilson Street.

That the name of Milburn Avenue, running northwardly from Tytus Avenue to the corporation line of said city, be and the same is hereby changed to Beach Avenue.

Milburn Avenue to Beach Avenue.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 217; Sept. 11, 1914.)

STREET RAILROADS.

AN ORDINANCE to regulate the speed of interurban, traction and street railway cars.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, as follows:

Speed limit for street cars—8 miles per hour.

SECTION 1. That it shall be unlawful for any person or persons, or the employee of any person, persons or corporation, or the motorman, conductor, driver or other employee of any person or corporation, to run, drive, propel or otherwise cause to be moved along any public street of the City of Middletown, any truck, car or cars, or cause such cars to be propelled, driven, drawn or moved upon or along any street railroad track laid or maintained in or along any of the public streets of the City of Middletown, State of Ohio, at a faster rate of speed than eight miles per hour, whether the motive power used, for the purpose of running, propelling or moving the same be horse or mule power, electricity or any other power whatsoever.

Who in charge of car.

SECTION 2. The conductor in charge of any car and the motorman or driver of the same shall be deemed to be the persons in charge of any such car or truck.

Violation.

SECTION 3. Any person or persons, motorman of any traction or interurban car, conductor of any such cars or driver of any street car drawn by horses or mules, and every other employee of any street car company or any interurban traction company, violating the provisions of Section one of this ordinance shall be deemed guilty of a misdemeanor and, on conviction thereof before the Mayor, shall be fined in any sum not exceeding ten dollars and the costs of the prosecution.

Penalty.

SECTION 4. That an ordinance entitled "An ordinance to regulate the speed of trucks and cars on street railroad routes within the corporate limits of the City of Middletown," passed Jan. 26, 1901, be and the same is hereby repealed, and this ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 577; April 8, 1904.)

AN ORDINANCE to establish street Ry. Route number two.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*, that a street Ry. Route, to be known as Route No. 2, be and the same is hereby established as follows:

Commencing in Tytus Avenue at the north corporation line of the City of Middletown, thence southwardly on Tytus Avenue to the intersection of Tytus Avenue with North Main Street, thence southwardly on North Main Street to the intersection of North Main Street with Broad Street, thence southwardly along Broad Street to Yankee Road; thence south on Yankee Road to Tenth Street; thence westwardly along Tenth Street to South Main Street; and thence southwardly along South Main Street to the south corporation line of the City of Middletown. The number of tracks on each street shall be one, with the necessary turnouts and switches.

SECTION 2. The said street railway shall begin the building of said road as soon as possible, and shall be completed and in running operation within one year after the passage of the ordinance granting the right to any company or individuals to construct and operate said street railway along the said route.

SECTION 3. The said street railway to be propelled by electric power in and along the said streets.

SECTION 4. The said street railway shall be so constructed and operated as to create no hindrance to the travel and use of the streets mentioned in said route, more than is usually incident to the operation and construction of a street railway.

SECTION 5. The tracks of the said street railway shall be laid as nearly as possible in the center of the streets mentioned in this route, and the road bed of the track shall be so constructed that the rails of said road shall be on a level or even with the crown of said streets, according to the grades adopted and established by the Council of the City of Middletown, or which may be hereafter ordained and established, and as further provided by Section 2503 of the Revised Statutes of the State of Ohio, and the space between the rails, turnouts and switches and for one foot on each side thereof shall be kept in order by the company or individuals to whom the franchise shall be granted under the supervision and to the satisfaction of the City Commissioner and the Street Committee of the Council, and further, if the Council of the said City of Middletown shall order the streets in and along which the said route is established to be paved or improved, the company or individuals to whom the grant shall be awarded shall pave the said space between the rails, turnouts and switches, and for one foot on each side thereof with the same material and in the same manner as is now or may hereafter be used on said streets, and shall keep the same in good order to the satisfaction of the City Commissioner and the Street Committee of the Council of said City of Middletown, and be it further provided that the Council retains the privilege of changing or altering the grade in and along any of said streets, and when so altered the said company or individuals owning or managing the street railway on said route shall change the grade of its said tracks and its road bed to that established by the City Council, free of any expense to the city and without any claim or claims for damages on account of the change or alteration in the said grade or grades.

SECTION 6. The city retains the privilege of constructing, laying or improving or repairing sanitary or drainage sewers in and along or across any of the streets mentioned in this ordinance, and for that purpose may temporarily remove the ties and tracks of said railway company, and the company or individuals owning or operating said street railway shall have no claim or claims for damages on account of the removal of said ties and tracks, or on account of any other damage that may arise on account of the construction or repairing said sewer or sewers.

SECTION 7. The company or individuals to whom the grant for the construction and operation of the road specified in the above route shall be awarded shall deposit with the City Clerk certified check in the sum of one thousand dollars, payable to the order of the City Clerk, conditioned that the said company or individuals will proceed within three months upon the construction of said street railway and have the same in full operation and in running order within one year from and after the passage of the ordinance awarding the said grant.

SECTION 8. The company or individuals to whom the grant for the construction and operation of the street railway in and along the route hereby established shall be awarded shall save the City of Middletown harmless from any claim or claims for damages arising out of the construction and operation of the street railway in and along said route.

SECTION 9. That the City Clerk be and is hereby directed to advertise for sealed proposals to construct and operate said street railway route as established in Section one of this ordinance for a period of three consecutive weeks as provided by law.

SECTION 10. This ordinance shall take effect and be in force from and after its passage and publication.

(Ord. Bk. 11, Page 157; July 23, 1894.)

AN ORDINANCE granting permission to the Cincinnati, Middletown & Dayton Traction Company to construct and operate an electric street railway on Route number two.

Whereas, the Council of the City of Middletown did by ordinance, passed on the twenty-third day of July, 1894, establish a street railway route to be known as Route number two, and

Whereas, James V. Bonnell, City Clerk of the said City of Middletown, in pursuance of the direction in said ordinance contained did give public notice by publication in the Daily Signal and the Daily Journal, newspapers published daily and of general circulation in said city, for three consecutive weeks next preceding the tenth day of August, 1894, advising the public that sealed proposals would be received until twelve o'clock noon of the tenth day of August, 1894, by the Council of the City of Middletown, for the grant of the right to construct and operate for the period of twenty-five years said electric railway upon the route as established in said ordinance, and

Whereas, the Cincinnati, Middletown & Dayton Traction Company has filed with the said Council the written consent of a majority of the property owners on the line of said proposed street railway, represented by the feet front of the lots abutting on the streets in which it is proposed to construct such street railway, and

Whereas, the said The Cincinnati, Middletown & Dayton Traction Company has complied with the provisions of said ordinance prescribing that said company shall deposit with the City Clerk a certified check in the sum of one thousand dollars, conditioned that said company shall commence the building of said road within three months from and after the passage of this ordinance, and shall complete the same within one year, and has complied with all other provisions contained in said ordinance. Now, Therefore,

BE IT ORDAINED by the Council of the City of Middletown, as follows:

SECTION 1. That permission be and the same is hereby granted to The Cincinnati, Middletown & Dayton Traction Company to construct and operate said electric street railway upon Route No. 2, as follows:

Commencing in Tytus Avenue at the north corporation line of the city, thence southwardly along Tytus Avenue to its intersection with North Main Street; thence southwardly to its intersection with Broad Street; thence south on Broad Street to Yankee Road; thence south on Yankee Road to South Main Street, and thence southwardly along South Main Street to the south corporation line of the City of Middletown.

SECTION 2. That the foregoing grant shall be for the term of twenty-five years.

SECTION 3. The number of tracks on each street shall be one, and so placed that the center of the track shall be the center of the street, and that turnouts shall be placed on Tytus Avenue between Hughes Street and Melbourne Street, on Broad Street between Second Street and Third Street, and on Tenth Street between Main Street and Lincoln Street, and all turnouts shall be placed so that the center of the space between the double tracks formed by said turnouts shall be the center of the street, and said double tracks formed by said turnouts shall be placed as near together as the safety of passing cars will permit, and that the turns that are made at the corners of streets shall be constructed to the satisfaction and under the supervision of the City Engineer, and to the satisfaction of the City Council, and where round corners on curbs are made necessary, in the opinion of the City Council, the City Council may order said company to construct the same and the same shall then be done by said company free of any expense to the city or to the property owners.

SECTION 4. That when at any time the City Council by ordinance shall change the grade of street or part thereof over which the said company's right-of-way passes within the city limits, or which may hereafter come within said city limits, that the said Cincinnati, Middletown & Dayton Traction Company shall reconstruct their track and roadbed, including 12 inches of said street on each side of said tracks to conform to the grade established by said City Council at such time as said City Council shall reconstruct the rest of said street to conform to said change of grade, and shall construct that portion of the street used by said company in the same manner and of the same material as specified in Section 7 of this ordinance.

SECTION 5. That the poles or supports on which the wires or stays for the trolley shall be placed along the edge of the pavement close to the curbstone along the pavement side, and shall be so placed as to be of the least inconvenience to the property owners; said poles shall be neat, straight, plain wooden poles at least 18 feet high and painted such color as Council shall determine, and shall be kept neatly painted by such company, except on Broad Street, Yankee Road and Tenth Street said poles shall be octagonal in shape.

SECTION 6. That the said company shall construct and maintain all foot crossings, gutters, drains and culverts, when crossed by the tracks of said company in the same manner and of the same material as is now or may hereafter be used by the city on other parts of said crossings, drains, gutters and culverts; and all such foot crossings, drains, gutters and culverts shall be built and maintained by said company for a distance of twelve inches outside of said company's tracks; and in case of failure of said company to perform the work within thirty days after written notice from said City Council and of the work mentioned in this section, the City Council shall be empowered hereby to complete such work and collect the costs of same from said company.

SECTION 7. That when at any time the City Council shall deem it wise or necessary to pave any of the streets used by said company with brick or other materail, it shall be the duty of said railroad company to pave the space between its rails and for a distance of twelve inches on each side thereof with the same material and in the same manner and at the same time as the City Council may use on other portions of said street or streets, and said company shall keep the space between its tracks and for 12 inches on each side thereof in good repair to the satisfaction of the City Commissioner and the Street Committee of Council.

SECTION 8. It is hereby expressly agreed and understood that the said The Cincinnati, Middletown & Dayton Traction Company shall not construct or operate its tracks or street railway on or over the bridge now located on North Main Street crossing the Miami and Erie Canal.

SECTION 9. That it shall be the duty of the conductor or other person in charge of or operating any car upon said street railway to stop said car when crossing the track of any steam railroad which is now constructed or may hereafter be constructed within the city limits, and which is crossed by said street railway, and inspect the track for the approach of other cars upon said road or roads.

SECTION 10. The City of Middletown reserves the right to pass under the said street railroad at any time for the purpose of laying sewers or sewer pipes, water pipe and gas pipe, or any other apparatus it may see fit to use for the benefit of said city or any person authorized by said city, and the city or said authorized person shall not be liable to said compnay for any damages that may accrue to said company by means of carefully laying said pipes or apparatus under said road bed.

SECTION 11. That the said The Cincinnati, Middletown & Dayton Traction Company shall have no right by means of this ordinance or any other ordinance heretofore passed by said city to use any other motive power than electricity to move their cars along their tracks within the city limits, or any portion of their said tracks that may hereafter come within the city limits.

SECTION 12. That it shall be the duty of the said company to have the motorman or conductor or other person in charge of or operating any car to sound a gong when approaching any and all street crossings.

SECTION 13. That the said The Cincinnati, Middletown & Dayton Traction Company shall hold the City of Middletown harmless from any damages that may arise to persons or property by reason of the construction or operation of said street railroad through said city.

SECTION 14. The cash fares charged by said company for passengers shall not exceed five cents for adults, three cents for children under twelve years of age, and children in arms free, and such fares shall entitle a passenger paying the same to one single passage between any points on said line within said city.

SECTION 15. That any provisions of an ordinance to establish street railway route No. 2 in said city, passed July 23, 1894, in conflict with any of the provisions of this ordinance, are hereby repealed, and it is further provided that if the said The Cincinnati, Middletown & Dayton Traction Company shall fail in any substantial way to perform any of the requirements of this ordinance or fail to conform to any of the terms mentioned therein, the franchise herein granted shall be void.

SECTION 16. The right is hereby reserved by the Council of the City of Middletown to grant to any other company that may hereafter acquire the right to construct and operate an electric railway within the City of Middletown to use any portion of said company's tracks for the proper operation of its railroad, provided that the portion of the track to be used shall be no more than one-eighth of the length of said future company's route in and through the City of Middletown, and as provided by Section 3438 of the Revised Statutes of Ohio said future company to pay one-half of the costs of constructing and maintaining the road and tracks so authorized to be used, and also provided that said future company shall not by virtue of the authority to use the tracks of this company, so use the same as to substantially interfere with the proper operation of this company's street railroad.

SECTION 17. That the said The Cincinnati, Middletown & Dayton Traction Company's tracks may be crossed by any steam or other street railway to whom the City of Middletown may grant the right-of-way across the street occupied by said company within the city limits, or which may hereafter come within the city limits without said city or said steam railroad companies being liable to said The Cincinnati, Middletown & Dayton Traction Company for damages, except the necessary outlay of said company by means of other companies erecting said crossings.

SECTION 18. No cars shall be operated over the tracks of said Traction Company at a higher rate of speed than eight miles per hour within the corporate limits of the city.

SECTION 19. The City Council reserves the right to provide on which side of the street the feed wires of said company shall be placed.

SECTION 20. Said company shall not permit its cars to stand upon the streets of the city for any longer time than is necessary to permit passengers to get on or off, or on turnouts for any longer time than necessary to permit cars to pass.

SECTION 21. That the said company shall repair all portions of any sidewalk in good order and of the same kind and quality of material as is then used in said sidewalk when said portion of any sidewalk has been necessarily torn up for the erection of said company's poles.

SECTION 22. That the said Traction Company shall not have the right to construct any other turnouts or switches other than those mentioned in Section three of this ordinance without the permission of the City Council.

SECTION 23. That the written acceptance of the provisions of this ordinance shall be filed with the City Council within thirty days after the passage of this ordinance by The Cincinnati, Middletown & Dayton Traction Company.

SECTION 24. That the provisions of this ordinance shall apply to all portions of said company's road that may hereafter come within the corporate limits of the City of Middletown, as well as to the portions now within the corporate limits of the City of Middletown.

SECTION 25. That the said The Cincinnati, Middletown & Dayton Traction Company shall restore the streets torn up by them at any time to the same condition in which they found the same, and to the satisfaction of the City Commissioner.

SECTION 26. That the said The Cincinnati, Middletown & Dayton Traction Company shall stop its cars at any place within the corporate limits for the purpose of allowing passengers to get on or off.

SECTION 27. That the City Council may declare said franchise forfeited if said company shall not construct a line from Middletown to Hamilton.

SECTION 28. That when the public travel makes it necessary the City Council may compel said company to so operate its cars that one shall pass any given point at least every fifteen minutes within the city passing such way.

SECTION 29. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 159; Sept. 14, 1894.)

Granting to The Cincinnati and Miami Valley Traction Company the right to construct, operate and maintain a street railroad over certain streets in the City of Middletown, as follows:

Over Tytus Avenue from the north corporation line of said city to its intersection with Hydraulic Street, and over Hydraulic Street to its intersection with Main Street, thence along Main Street to the south corporation line of said City of Middletown.

Whereas, The Cincinnati and Miami Valley Traction Company has made application to Council in writing to define and establish a street railroad route through said City of Middletown, over the following streets and highways of said city, to-wit:

Commencing in Tytus Avenue at the north corporation line of said city; thence along and over Tytus Avenue to its intersection with Hydraulic Street; thence along Hydraulic Street to its intersection with Main Street; thence along Main Street to the south corporation line of said city, and has also asked that a franchise be granted to it to construct, operate and maintain a single track street railroad, to be operated by electricity or other motive power, except steam, over said route when so defined and established, and if by electricity with the right to erect poles and wires, to conduct same, and,

Whereas, notice of said application has been given according to law for three consecutive weeks in The Daily Signal, a newspaper printed and of general circulation in said corporation, and,

Whereas, persuant to said notice, said The Cincinnati and Miami Valley Traction Company has presented its bid, which was the lowest offered, to construct, operate and maintain said street railroad and to carry passengers thereon over the full length of same or over any portion thereof for the sum of five cents single fare for adults, and commutation tickets for same in packages of twenty-five for one dollar and six for twenty-five cents, and to carry children under twelve years of age for three cents and two children of same parents when together for five cents, and, Whereas, the written consents of a majority of the property owners on the line of said proposed railroad, represented by the feet of the lots and lands abutting on said streets and highways along which said street railroad is proposed to be constructed, to the building and operation of said street railroad has been given to said company, which consents have been filed with the Clerk of this city, and,

Whereas, in the opinion of Council, said route and improvement would be a public convenience and benefit to the property affected thereby. Now Therefore,

SECTION 1. *BE IT ORDAINED by the City Council of this City of Middletown, Ohio,* that said street railroad route be and the same is hereby defined and established, to be known as Street Railroad Route No. 3, through said city, and that permission be and the same is hereby granted by the City Council of the City of Middletown, Ohio, its successors and assigns, to construct, operate and maintain a single track street railroad over same. Commencing in Tytus Avenue at the north corporation line of said city; thence along and over Tytus Avenue to its intersection with Main Street; thence along Main Street to the south corporation line of said city, said railroad company shall place one turnout in Main Street between Third and Fourth Streets, opposite the Sorg Opera House, and if the business requires further turnouts, there shall be one placed in Tytus Avenue at the north corporation line, and another turnout shall be placed in Main Street at the south corporation line; this franchise shall continue for the term of twenty-five years.

SECTION 2. And in consideration of the granting of this franchise, said company agrees to all the conditions therein, and said street railroad shall be constructed as near as practicable along the center of said streets and avenues, and said turnouts, sidetracks and switches shall be of a standard gauge and all laid with what is known as Shanghai Trail, as Council may approve, and on any street or avenue when said tracks of switches cross the tracks of any other street railroad or steam railroad at grade, the crossing shall be made with crossing frogs of the most approved pattern and material, and be kept in repair at the joint expense of the companies owning said tracks.

SECTION 3. The said road and tracks shall be constructed by said company so as to conform to the established grade of said streets, and to the satisfaction of the City Civil Engineer and said City Council.

SECTION 4. All wires, poles and electrical apparatus shall be of such material and so constructed as the electrical inspector appointed by said City Council may direct.

SECTION 5. Said railroad shall be operated by said company as required by the laws of the State of Ohio and the ordinance of the city now in force or which may be passed hereafter, and at all times, so as to create as little hinderance as possible to the public use of said streets, and shall also run all its cars for local traffic within the city limits over the entire route granted by this ordinance.

SECTION 6. The said company is hereby required at all times to keep said streets and avenues between the rails of said track and for eighteen inches on each side thereof in good order and repair, to the satisfaction of the City Commission, and if said company shall fail to keep said streets in good repair, and after written notice to said company, the City Council may cause the same to be done, and expenses be not paid within thirty days after the same is completed, the Council may assess the same against the real and personal property of said company, to be collected as other taxes.

SECTION 7. In case the city shall at any time cause any of the said streets or avenues to be paved with any material whatever, the said company shall pave with the same material, at the same time and in the same manner, between the rails of said tracks and for eighteen inches on each side of the rails, and if route or any part thereof is paved at the same time of construction of street railroad, then the said street railway company agrees to pay one-third of the entire cost of such paving.

SECTION 8. Whenever the City Council deems it necessary at any time to change the grade or form of street through which the said line of street railroad passes, said company shall relay their tracks in accordance with such change of form or grade at its own expense, immediately upon receiving notice from said City Council so to do, and said company shall have no claim or claims for damages on account of such change in grade or form of the street, (and said street railway company shall at all times remove from the streets all debris thereon, and restore said streets and street crossings in as good condition as they were in before, and to the satisfaction of the City Commissioner of the City of Middletown.)

SECTION 9. Said company shall have the right to carry passengers, packages, baggage, mail and express matter, and except as to passengers, for which rates are herein fixed, it may charge what it deems prudent and necessary in the management of its affairs.

SECTION 10. The City Council shall hereafter have the power to grant to any persons or company the right to cross said road at any street crossing upon their paying their proportionate part of the actual cost of construction and keeping in repair that portion of the track as crossed by them.

SECTION 11. Through cars shall also be run over said street railroad each and every day in the year, and as often each day as the business of said street railroad will warrant.

SECTION 12. The construction of said road shall be commenced within six months and shall be completed within one year from the time of this grant; all sidetracks and switches after the completion of said road that may be required shall be put in only on permission by Council.

SECTION 13. If electricity is used, the poles to be upon which the wires are suspended shall be of iron, as Council may direct, over all of said route on Main Street, nicely painted and kept painted, said poles to be placed so as not to interfere with the entrance to property and so as not to be an obstruction to the free use of the streets or sidewalks along said line.

SECTION 14. Said street railway company failing to operate its road through the city for sixty days, unavoidable casualty excepted, shall forfeit its franchise herein, and shall remove its rails and ties and all debris, and shall replace said street in as good condition as it was immediately previous thereto.

SECTION 15. Upon failure of said company, its successors and assigns, to fulfill the conditions of this ordinance in any particular after said road is built, Council on five days' notice to said company of such default or neglect, may have same done at the expense of said company and may collect same by action at law, or assess the same against the real and personal property of said company to be collected as other taxes.

SECTION 16. The City of Middletown retains the privilege of constructing under or across the tracks of said street railway company sewers, gas or water mains or other apparatus, and may, if it cannot absolutely be avoided, temporarily remove the tracks from said route for that purpose, or grant said privilege to any board, company or citizens without being liable to said company for any damage arising out of same or incident thereto.

SECTION 17. The said company shall fill Hydraulic Street along said route, if designated by the City Council, to the curb line thereof, with such material as the City Commissioner may direct, and to his satisfaction.

SECTION 18. Whenever the tracks of said company are laid along the established grade of any street, which would require a cut or fill on the part of said company, said company shall make such cut or fill from curb to curb of such street or streets, according to the directions of the City Engineer and to the satisfaction of the City Commissioner.

SECTION 19. The said company shall give a bond in the sum of twenty thousand dollars, with sureties to the satisfaction of the City Council, conditioned that said company will construct said road within the time specified herein, and will comply with the conditions and stipulations herein contained as to construction, and that said company will save the City of Middletown harmless from any claim or claims for damages arising out of the construction of the street railroad along the route herein granted.

SECTION 20. The same shall file with the City Clerk its written consent and accepting this franchise and the conditions of this ordinance within thirty days from the passage of this ordinance, and before proceeding with the construction of said street railroad.

SECTION 21. The said company shall not permit its cars to stand upon any street, except for such time as will permit passengers to get on and off and to remove mail, packages or baggage therefrom, and not longer than twenty minutes at any one time, unavoidable casualty excepted, and in case of accident said company shall use all reasonable diligence to repair same.

SECTION 22. This ordinance shall take effect from and after the date of its first publication.

(Ord. Bk. 11, Pages 218-219-220-221-222-223; Jan. 15, 1897.)

To establish a street railroad route in the City of Middletown, State of Ohio, to be known as "Street Route Number Four."

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That a street railroad route to be known as Route Number Four (4) be and the same is hereby established, as follows:

Commencing on Third Street at the west corporation line of said City of Middletown; thence eastwardly along said Third Street to Sutphin Avenue; thence southeastwardly along Sutphin Avenue to its intersection with the

Alameda; thence south or in a southerly direction to the corporation line of said city.

SECTION 2. That the said street railroad shall be a double track street railroad with all the necessary crossovers, Y's, switches and turnouts to its passenger and express station, and other special places necessary in the operation of its lines, connections and extensions; that the tracks of said street railroad shall be of standard gauge and laid with not less than eighty (80) pound, standard T rails, No. 1 x″x8″x7″ oak, chestnut or southern pine ties, and not less than 6″ of clean gravel or crushed stone well rolled by steam roller, and all to be constructed in a workmanlike manner and under the direction of the City Civil Engineer. That the City of Middletown reserves the right to appoint an inspector for said work to see that all work is done in a proper manner; that all work is to be done and so performed as to be as little impediment to the ordinary uses of said streets as is possible; that it is understood and agreed that all costs of inspection are to be paid by the street railroad company, and that all debris shall be removed from the streets at the cost of the railroad company and within a reasonable time after the same is placed thereon.

SECTION 3. That the motive power for the operation of said street railroad shall be electricity or such other motive power, except steam or animal power, as may be commonly used for the operation of street railroads; that said company, its successors and assigns, shall have the right to erect and maintain the necessary overhead construction of the kind now in common and general use; that it shall erect and maintain metal poles to carry the wires supplying the motive power and for such other purposes as are provided for by its charter; that all poles carrying primary wires shall be wooden poles not less than forty-five (45) feet in height above the surface of the street and such primary or high tension wires shall be strung or run only in such parts of the City of Middletown as may be provided by the City Commission; that all poles shall be painted and kept painted to the satisfaction of the City Commission.

SECTION 4. That the said company shall at all times keep the streets and alleys and avenues between the rails of its tracks and for a distance of eighteen (18) inches on each side thereof in good order and repair and to the satisfaction of the City Commission; and if said company shall fail to put such streets in good repair within sixty days from and after written notice from the city so to do, the City Commission shall cause the same to be done at the expense of said company, and if all costs and expenses thereof be not paid within sixty days after such work is completed, then the costs and expenses hereof may be assessed against the real and personal property of said company, to be collected as other taxes and assessments on street improvements.

SECTION 5. That said company, its successors and assigns, shall hold the City of Middletown free and harmless from any and all damages arising out of the construction of its said street railroad and every part thereof.

SECTION 6. That at any time the City Commission shall cause any of the streets or avenues or alleys over which said company's lines shall be operated to be paved, then at the same time the said street railroad company shall pave between the rails of its tracks and on either side thereof for a distance of eighteen (18) inches, as is provided by law; that where the paving of a street is already completed, the said street railroad company shall replace all paving it may remove for the purpose of constructing its tracks, ties and anything required in its construction, with such material as may be agreed upon by the City Commission, and it shall promptly restore all streets to as good condition as before being disturbed and at its own cost and expense.

SECTION 7. That city car service shall be furnished over the lines above mentioned on at least a twenty-minute schedule and from five o'clock A. M. to twelve o'clock P. M. daily, and all such cars shall stop at all street intersections to receive and discharge passengers; that all limited interurban cars operated over said route shall make at least three stops within the corporate limits of the city for the purpose of receiving and discharging passengers and at such points as may be designated by the City Commission for through business; that all local interurban cars shall make at least ten stops at street intersections within the corporate limits of the city to receive and discharge through passengers and at such places as may be designated by the grantee company; that if any of the provisions of this section are not complied with by grantee company, then this franchise shall be and become void and of no effect, at the option of the City Commission.

SECTION 8. That the rate of fare to be charged by said grantee company, its successors and assigns, for the carrying of passengers over its entire lines within the city shall in no event exceed five cents for persons over six years of age for one continuous trip, and that children under the age of six years shall at all times be carried free of charge; provided that if at any time the lines of the grantee company shall be extended to West Middletown the rate of fare herein allowed to be charged shall apply to a continuous trip to the depot of the C. H. & D. Railroad at said West Middletown.

SECTION 9. That if grantee fails to operate its cars for a consecutive period of sixty days, unavoidable casualties excepted, it shall forfeit all of its rights under this franchise, at the option of the City Commission.

SECTION 10. That the City of Middletown shall have and it retains the right and privilege to construct or permit to be constructed under the tracks of said railroad company sewer, gas and water mains and other apparatus or conduits, and to string wires and cables above its right-of-way; and it may, if deemed necessary to do so, temporarily remove the tracks of said grantee company for those purposes, it being understood and agreed that the city shall restore the tracks so removed to as good condition as before removal or excavation, and it shall protect the grantee company from unreasonable delay or injury during the time such work is being performed.

SECTION 11. That the grantee company's privilege to construct and operate the said street railroad shall be for a period of twenty-five years and shall be granted to the company or its assigns, who shall bid for the carrying of passengers at the lowest rate of fare in accordance with the laws of the State of Ohio, for continuous trips, number of commutation tickets for one dollar, number for fifty cents and number for twenty-five cents.

SECTION 12. That the company to whom this privilege is granted shall pay all the costs and expenses incurred in the publication of all ordinances and resolutions and notices relating to the proceedings granting or providing for said franchise, and it shall, within sixty days after the date of the passage of any ordinance granting a franchise to such company, its successors and assigns, file its written acceptance of the terms thereof with the Clerk of the City Commission.

SECTION 13. That any company desiring to bid for said franchise shall do so in writing, which written bid, sealed and addressed to the Clerk of the City Commission and endorsed, "Proposal for the construction and operation of Street Railroad Route Number Four," shall be filed with the Clerk of the City Commission at or before the time mentioned in the advertisement for bids.

SECTION 14. That before the commencement of the actual work of construction of said street railroad, the grantee shall file with the City Commission a surety bond in the sum of ten thousand dollars, conditioned that the grantee, its successors and assigns, will construct and operate said street railroad within the time specified herein, and will comply with the conditions and stipulations contained herein as to such construction, and that the grantee will save the City of Middletown free and harmless from any claim or claims for damages as provided in Section 5 of this ordinance.

SECTION 15. That the grantee shall begin the construction of said street railroad within eighteen months after the acceptance of the ordinance granting the franchise, and shall have the same in operation within one year thereafter, and failing to do so, all the rights and privileges herein conferred shall cease, and this franchise shall be declared null and void; provided, however, that after said company shall have begun the actual construction said provision shall not apply in case of strikes or other causes over which said company has no control, nor by reason of injunction proceedings which may delay the construction of said street railroad.

SECTION 16. That whenever the company, after the completion of said street railroad, desires to make any change, or put in sidetracks, switches, turnouts, Y's or extensions, it shall be required to make written application to and secure from the City Commission permission to do so.

SECTION 17. That the company, its successors and assigns, shall have the right to carry passengers, baggage, express, freight and United States mail; that all cars carrying passengers shall at all times be properly lighted and heated, be clean, and be of modern type, and that the cars carrying freight shall be of modern type and such as are now in use on electric railroads; that any and all baggage, freight and express matter handled by said railroad company shall be housed, handled, loaded and unloaded on the private property and lands of the company and not on the streets, avenues and alleys of the City of Middletown unless special permission is given so to do by the City Commission; that no freight or express cars shall be allowed to stand on the street for the purpose of loading and unloading baggage, freight or express, and that no train to be operated over said route herein established shall at any time be composed of more than three cars.

SECTION 18. That the grantee company shall with promptness remove all snow and ice from its tracks and cart the same off the streets so as to prevent the snow and ice from being banked along the sides of its tracks, so as to preserve always an open highway for public travel and use.

SECTION 19. That any street railroad company hereafter operating a street railroad over and upon the streets of Middletown shall have the right to operate over such portion of the tracks herein described as is now or may hereafter be provided by the laws of the State of Ohio, upon the payment to grantee herein of the proper proportion of the cost thereof.

SECTION 20. That the Clerk of the City Commission be and he hereby is directed to advertise for sealed proposals to construct and operate said street railroad route number four as herein established for a period of three consecutive weeks as provided by law.

SECTION 21. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 3, Pages 31-32-33-34-35; March 4, 1914.)

Granting leave and permission to The Dayton, Middletown & Cincinnati Railroad Company to construct, maintain and operate a street railroad over, along and upon certain streets in the City of Middletown, State of Ohio.

Whereas, on the 6th day of November, 1913, The Dayton, Middletown & Cincinnati Railroad Company made application in writing to the Council of said City of Middletown, Ohio, for the right to construct, maintain and operate a street railroad over, along and upon certain streets in the City of Middletown, hereinafter specifically set forth, and

Whereas, on the 4th day of March, 1914, an ordinance was duly passed establishing a street railroad route over such streets and notice of the establishment of said route and of said application was duly published according to law, and

Whereas, The Dayton, Middletown & Cincinnati Railroad Company has made a bid for said route, which said bid offers rates of fare, which are the lowest rates bid, and previous written consents of a majority of the property holders upon each of said streets or parts thereof on the line of the proposed railroad represented by the feet front of the property abutting thereof having been obtained.

Now Therefore, BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:

SECTION 1. That The Dayton, Middletown & Cincinnati Railroad Company, its-his-successors, heirs, be and are hereby granted the right and permission to construct, maintain and operate a double track street railway to be operated by electricity or other motive, except steam or animal power, with the necessary apparatus and under the restrictions and conditions as laid down in an ordinance, No. 545, of said city, to which reference is hereby made, over and upon the streets as described in said ordinance and known and designated therein as Route No. 4 of said city, it being further understood and it is hereby made a condition of said ordinance that all regular cars of said railroad shall carry free as passengers all policemen and firemen, when on duty and in uniform.

SECTION 2. This grant shall remain in force for a period of twenty-five years from and after its acceptance by The Dayton, Middletown & Cincinnati Railroad Company.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law, and after the filing with the Clerk of the City Commission of said city of the written acceptance and the payment of all the expenses of publications thereof by said The Dayton, Middletown & Cincinnati Railroad Company.

(Ord. Bk. 3, Page 122-123; May 8, 1914.)

SUNDAY.

To prevent common labor on the first day of the week, commonly called Sunday.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Penalty for performing common labor on Sunday.

That whoever being over fourteen years of age engages in common labor on Sunday (works of necessity and charity excepted) shall on complaint made within ten days thereafter, be fined not more than five dollars; but this section does not extend to those who conscientiously observe the seventh day of the week as the Sabbath.

SECTION 2. Whoever on the first day of the week, commonly called Sunday, participates in or exhibits to the public with or without charge for admission, in any building, room, ground, garden or other place in said city, any theatrical or dramatic performance of any kind or description, or any equistrian or circus performance of jugglers, acrobats, rope dancing, sparring exhibitions, variety show, negro minstrels, living statuary, ballooning, moving picture shows, ten pins, keeping any low or disorderly house of resort, or shall sell or dispose or give away any ale, beer, porter or spirituous or malt liquors in any building appendant or adjacent thereto when any such show, performance or exhibition is given, or such house or place is kept shall, on conviction thereof, be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars, at the discretion of the Mayor, and the costs of prosecution.

Exhibiting on Sunday.

Penalty.

SECTION 3. Whoever being over fourteen years of age engages in sporting, rioting, quarreling, hunting, fishing or shooting on Sunday within the limits of the City of Middletown shall, on complaint made within ten days thereafter, be fined not more than ten dollars or imprisonment not more than twenty days, or both.

Fishing, hunting, etc. on Sunday prohibited.

SECTION 4. That it shall be unlawful for the owner, proprietor or keeper of a place or room where any dry goods, ready-made clothing, groceries, vegetables, cigars, tobacco or any other goods or merchandise are sold or offered for sale; or for the owner or the proprietor or keeper of a restaurant or of any room or place where candy, soda-water, lemonade, ice cream, cigars or tobacco, or other confectionery is sold or offered for sale, to sell or offer for sale, or barter or dispose of in any manner, any such goods, merchandise, confectionery, vegetables, cigars or tobacco, soda-water, ice cream, lemonade or any other goods whatever on the first day of the week, commonly called Sunday, except in cases of work of necessity and charity, and also excepting such persons as do conscientiously observe the seventh day of the week as the Sabbath.

Keeping stores open for sale of goods on Sunday.

SECTION 5. Whoever violates the provisions of Section 4 of this ordinance shall be deemed guilty of a misdemeanor,

Penalty.

and upon conviction thereof before the Mayor, shall be fined not less than three dollars and not more than five dollars and costs of prosecution, and may be ordered by the Mayor to be committed to the city prison of Middletown until the fine and costs are paid.

Barbering on Sunday.

SECTION 6. That any person who engages in the business of barbering on Sunday shall be deemed guilty of a misdemeanor, and upon a conviction thereof, shall be fined not more than five dollars.

When complaints shall be made.

SECTION 7. All complaints and prosecutions under this ordinance shall be commenced within ten days after the offense shall have been committed.

SECTION 8. All ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed, and this ordinance shall take effect and be in force from and after its passage and publication.

(March 14, 1893.)

(Amend. Ord. Bk. 9, Page 88; March 11, 1910.)

TELEPHONES AND TELEGRAPHS.

AN ORDINANCE to grant the Miami Telephone Company the right to use the streets and highways within the city limits for telephone purposes.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

That the Miami Telephone Company, a corporation duly organized under the laws of Ohio, and having an office and place of business located in the City of Middletown, be given and granted the right to use and occupy so much of the public streets, alleys and highways within the corporate limits of Middletown as may be required for the use of the Miami Telephone Company, to erect, keep and maintain a necessary number of wooden poles or posts and to attach thereto telephone wires and other fixtures whenever the same may be required by said company to conduct and carry on its telephone business in the City of Middletown; provided, however, the City of Middletown reserves all its rights and control over streets and highways in the public, which as if the aforesaid grant to the Home Telephone Company had not been permitted by Council; and also the city reserves the right to determine the size and kind of poles to be used, and the place or places where such telephone poles may be erected in the streets within the city limits.

SECTION 2. Be it ordained by the Council that all the poles or poles which have been or may hereafter be erected by said Home Telephone Company upon any public street, or highway under the grant by the first section of this ordinance, shall not be less than 25 inches in diameter, or circumference at the base, and shall not be less than thirty feet high, and all poles shall be straight in form, smoothly dressed and worked in a uniform taper from base to top, and shall be well painted with two good coats of paint, and all poles and fixtures shall be set and kept erected by said telephone company, except as to the inside of the sidewalks, or otherwise.

SECTION 3. It is ordained by the Council that it shall be unlawful for the Home Telephone Company, its agents or employees to erect or place any of the poles or attach any wire or other fixture thereto in such a manner or place upon any public street or highway of the city, wherever such poles, wires or other fixtures will interfere with, or obstruct the use of the street or sidewalks, or will in any manner be dangerous to the person or property or will obstruct the free right of passageway from the street or highway into the premises and property of any real estate abutting upon any public highway within the corporate limits of the city; and wherever poles may be erected by said company upon a sidewalk, and the paving or guttering thereof shall be removed or disturbed thereby, the Home Telephone Company shall repair the pavement of sidewalks, and pay the costs thereof; and it is required of said telephone company to renew and place all gutters, pavements and sidewalks in like condition and repair as the same were in before being disturbed.

SECTION 4. Be it ordained by the Council, that whoever refuses or neglects or willfully violates any of the provisions or requirements of this ordinance shall be guilty of an offense, and upon conviction thereof before the Mayor, shall be fined not less than five dollars and not exceeding ten dollars and costs of prosecution, and moreover, shall be responsible for damage to persons or property.

SECTION 5. Be it ordained by the Council, that an ordinance of the corporate Village of Middletown, Butler County, Ohio, passed March 12, 1885, (Code of ordinance, page 193), be and the same is hereby repealed, and that this ordinance be in full force after its passage and publication.

(Feb. 19, 1890.)

AN ORDINANCE granting permission to the Postal Telegraph Cable Company to erect telegraph poles and place wires thereon through and within the corporate limits of the City of Middletown, Ohio, for telegraph purposes.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown,* that the Postal Telegraph Cable Company be and is hereby authorized and permitted to place and erect within the corporate limits of the said city such numbers of telegraph poles that it may deem necessary for the construction of a main line of telegraph through said city and to place thereon such number of wires as may from time to time suit its convenience for the operation of its said line; and to erect such number of poles and to place such number of wires thereon in the said city, from its said main line on such streets and alleys in the said city as will enable it to conduct its business to one or more offices in the said city as the business of the said telegraph company and the public may from time to time require.

The poles and wires of said main line to be erected on the following route: From the city limits on Woodside Avenue to the Yankee Road bridge, and from the south end of Canal Street along said street to Fifth Street, west on Fifth Street to Water Street, north along said Water Street to Third Street; thence east on Third Street to office; also west to the city limits.

SECTION 2. The poles of said telegraph company shall be erected under the supervision of the City Engineer and shall not be placed in such a manner as to obstruct the public streets or alleys or hinder the free flow of water in any street, alley or gutter, and the poles so erected shall not be less than thirty feet in length.

SECTION 3. Said telegraph company shall be liable for all damages sustained by the city or its citizens that may be occasioned by its employers in erecting or repairing its poles and wires, or from any other cause while so using said streets and alleys.

SECTION 4. Said company shall allow the free use by the city of their poles for the attaching of fire alarm telegraph wires, and shall allow the free use and operation of such fire alarm telegraph wires by the City Fire Department.

SECTION 5. Said telegraph company shall save the city harmless from any damages that may accrue to any individual property owner by reason of the erection of poles and wires near said property owner's premises.

SECTION 6. That when said telegraph company shall erect poles along any street or alley under this franchise, where other companies have erected poles for their purposes, the Postal Telegraph Company shall extend their poles to a sufficient height above the poles of said other company that the Postal Company's wires will not interfere with the free use of such other company's lines.

SECTION 7. This ordinance shall be in force from and after its passage and publication.

(Ord. Bk. 11, Page 149; April 12, 1894.)

Granting to The Middletown Telephone Company, its successors and assigns, the right to construct, maintain and operate a telephone system in the City of Middletown, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, Ohio:

SECTION 1. That the right be and the same is hereby granted to The Middletown Telephone Company, its successors and assigns, to construct, maintain and operate within the City of Middletown a telephone exchange, poles, wires, conduits and all necessary appliances and devices for the operation and maintenance of a telephone system, and for that purpose the right and privilege is hereby granted to dig trenches and lay conduits therein, and to erect poles and supports upon which to place wires and cables along and upon the streets, alleys, avenues, public grounds and public ways in said city, and to do all things necessary to be done in the construction, operation and maintenance of said telephone exchange and system in said city.

SECTION 2. No poles or overhead wires shall be constructed on the following streets, to-wit:

Main Street from First Street to Ninth Street; Yankee Road from Main Street to Seventh Street; Broad street from First Street to Yankee Road; and Third Street from Water Street to the right-of-way of The Cincinnati and Springfield Ry. Co., now known as The C. C. C. & St. L. Ry. Co., no poles, wires or overhead construction shall be erected or maintained on the streets above named in said city, but the construction in and along said streets shall be in pipes, conduits or other underground fixtures, save and except only such poles and wires as may be necessary for the purpose of distributing from said subways to subscribers and stations.

SECTION 3. The conduits shall be composed of the usual material employed for said service and shall be laid under the surface of streets, and the man-holes shall be composed of such material and the covers for said man-holes shall be of such material as the Board of Public Service may reasonably direct.

SECTION 4. The work of excavating into any street, alley or any public place, and the digging of trenches therein, filling the same and repacing the surface of the street or sidewalk, and setting the poles and other fixtures and appliances shall be done under the direction of the Board of Public Service of said city or some competent person appointed by said Board, and the same shall be done so as not to interfere with the flow of water in any streets or gutters, and so as not to interfere unnecessarily or unreasonably with public travel, and so as not to injure or interfere with any public or private sewer or gas pipes or mains or any other public or private utilities that may be lawfully in such street, alley or other public way.

SECTION 5. Said The Middletown Telephone Company, its successors and assigns, shall restore all streets, alleys, or other public ways, whether the same be paved or unpaved, and all pavements, sidewalks, curbs and gutters to as good condition as the same was in prior to excavating or cutting into the same, and to the satisfaction of the Board of Public Service of said city or competent person appointed by said board and said company, its successors and assigns, in performing said work, shall comply with such reasonable laws and regulations for the performance of said work as Council or said Board shall adopt or have adopted pertaining to the same. Said work of restoration shall be done promptly by said company, its successors or assigns. No paved street shall be interfered with during the contractor's guarantee unless arrangements are made by the company so that said guarantee remains in force.

SECTION 6. If said The Middletown Telephone Company, its successors or assigns, shall neglect or fail to comply with the provisions of Section five of this ordinance after being notified by the Board of Public Service so to do, notice of which shall be sufficient if sent by mail or if left at the office or exchange of said telephone system, then the said Board of Public Service may cause such work to be done at the expense of said company, and if said company shall fail to pay the same within ten days after being notified of the cost and expenses thereof, then said City of Middletown shall have the right and privilege of paying the same out of the funds deposited by said company as hereinafter stated.

SECTION 7. The poles erected shall be straight, smoothly dressed and the tops thereof not less than forty feet above the surface of the ground when erected. They shall be painted and kept painted to the satisfaction of the Board of Public Service, and they shall be erected as nearly as possible in the curb line of the street just inside of the curb and so as not to interfere with the ordinary use of any street or alley and so as not to interfere with the ingress or egress of any private or public property fronting or abutting on said street or alley.

SECTION 8. Said poles and overhead construction shall be located as nearly as possible on and along alleys.

SECTION 9. The said company, its successors and assigns, shall, before entering upon the use or occupancy of any of the streets, alleys and public ways and before excavating into any street, alley or public way, deposit with the treasurer of the City of Middletown the sum of four hundred dollars, conditioned that said company will promptly comply with all the provisions of this ordinance relating to the restoration of the surface of streets, alleys and public ways of the city, and that it will pay all costs and expenses of the inspector employed to supervise and inspect said construction, and to indemnify and save the City of Middletown harmless from expenses or claims arising out of the construction, operation and maintenance of said telephone system, wires, poles or conduits, and to repay the city any sum or sums it may pay or cause to be paid on account thereof.

After said system has been fully completed and all streets, alleys and public ways restored to the satisfaction of the Board of Public Service, the said company may secure and have returned to it said deposit so made by giving a bond to the City of Middletown in the sum of five thousand dollars with a surety company or other surety satisfactory to the City Council, conditioned that the said company shall at all times save the City of Middletown free and harmless from any loss, injury or damage arising out of the construction, operation and maintenance of said telephone system. Said bond to be renewed from time to time as said City Council may require and to continue in force during the life of this franchise.

SECTION 10. The rights and privileges herein granted shall be in said The Middletown Telephone Company, its successors and assigns, and the obligation shall extend to and be binding upon its successors and assigns, and the authority, control and supervision hereby given to the Board of Public Service, Council or other officer of the City of Middletown, shall extend likewise to any like board or officer who may succeed in the future by legislative enactment or otherwise to the rights, powers and prerogatives of any board or officer named herein.

SECTION 11. All the rights granted under this ordinance are to be held subject to the police regulations that are made or are to be made by the City of Middletown, Ohio, and said telephone system shall be installed, erected, maintained and operated in conformity to all the ordinances, rules and regulations of said city relating thereto which are now in force or may be hereafter passed, but the same shall not be destructive of or unreasonably impair or interfere with the rights hereby granted. The City of Middletown shall at all times have the right to use the tops of any and all poles of the said company for the purpose of stringing its wires for fire and police telegraph system, and the said company shall make no charge to the city for the use of such poles for that purpose.

SECTION 12. On all other portions of said city's streets, alleys and public ways other than those mentioned in Section two, poles may be erected and wires and cables strung for the purpose of said telephone system.

SECTION 13. The Middletown Telephone Company, its successors and assigns, shall furnish during the life of this franchise, free of charge to the City of Middletown, one telephone each in the police department, fire department, Mayor's office, auditor's office, water works plant, East End fire house, and one in each of the four public school buildings, and one in each of the two parochial school buildings, and shall keep said telephones in good order and repair at the expense of said company.

SECTION 14. Said The Middletown Telephone Company, its successors and assigns, be and they are hereby limited in the prices to be charged subscribers for telephone service as follows, to-wit:

Telephones for residences shall not exceed one dollar per month.

Telephones for business places shall not exceed two dollars per month.

Telephones for factories shall not exceed three dollars per month.

Long distance telephones shall not exceed three and fifty hundredth dollars ($3.50) per month.

Section 15. The said company shall furnish to its patrons, the City of Middletown, Ohio, a thoroughly modern telephone system, with full copper, metallic circuits to connect its subscribers with its exchange or central station in said city, and the whole system, poles, lines, wires, cables, conduits and other equipment and apparatus shall be mod-

Section 16. If the Board of Public Service employs a competent person, to be known as an inspector to oversee the work of placing conduits in any of the streets, alleys and public ways, and the erection of poles, wires and other fixtures therein, and in fact, all work performed by said company in the street, alleys and public ways during the building of said plant system, said The Middletown Telephone Company, its successors and assigns, shall pay a reasonable compensation for the services of said inspector. And if said company fails to pay said compensation, the City of Middletown shall have the right to apply therefor the cash deposited as herein provided.

Section 17. The Middletown Telephone Company shall bear the expense of the publication of this ordinance.

Section 18. This grant shall be and remain in for and during a period of twenty-five years from and after the legal passage of this ordinance, and in the event that legal proceedings are prosecuted against said grantee or assigns so as to interrupt the work of construction of said telephone system, the time during which said work of construction is being interrupted shall not be included in said twenty-five years.

SECTION 19. Said The Middletown Telephone Company, its successors or assigns, shall file with the Council of the City of Middletown, Ohio, a written acceptance of this ordinance within thirty days from and after its passage and on failure so to do this ordinance and all rights granted therein shall be null and void.

SECTION 20. Said The Middletown Telephone Company, its successors or assigns, shall commence work under the franchise granted by this ordinance, within three months after passage of this ordinance, and shall in one year therefrom have in operation a telephone plant and system in said city, otherwise this ordinance and all rights and privileges hereby granted shall be null and void.

SECTION 21. This ordinance shall take effect and be in force from and after its passage and the earliest period allowed by law.

(Ord. Bk. 10, Pages 250-251-253-254-255; July 12, 1907.)

TELEPHONE, TELEGRAPH AND OTHER POLES.

AN ORDINANCE to prevent interfering, injuring, destroying or defacing electric light, electric street railroad telephone or telegraph poles, wires, lamps and other apparatus and appurtenances belonging thereto.

Destroying, defacing, or injuring electric lights, wires, poles, etc.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown,* that it shall be unlawful for any person or persons to injure, destroy, deface, cut, mar or otherwise interfere with any electric light, electric street railroad telegraph or telephone poles, lamps. wires, fixtures or appurtenances belonging to any of said companies located or erected within the City of Middletown or which is being erected therein, or which shall hereafter be erected therein.

Cutting wires.

SECTION 2. That it shall be unlawful for any person or persons to cut any electric light, electric street railroad telephone or telegraph wires, or in any way injure the same or in any way make the same useless, or attach any wires of any kind to the same without the permission of the person, persons or company owning the same, unless authorized to do so by the City Council.

Penalty.

SECTION 3. Any person or persons violating any of the provisions of the preceeding sections of this ordinance shall be guilty of a misdemeanor and on convection thereof before the Mayor shall be fined in any sum not less than ten dollars or be imprisoned in the workhouse for a period not to exceed ten days or both at the discretion of the mayor provided said poles are placed at such points on the sidewalks along any lot as the owner thereof and the street committee together with the City Commissioner shall mutually agree upon or when such poles shall be placed on any side walk, along any lot with the knowledge of the owner thereof and without his express objection and provided further that the placing of said poles for and said purposes and the authority to erect the same are in conformity to law.

Conditions.

Duty of police.

SECTION 4. It is hereby made the duty of the police of the City of Middletown to arrest and bring before the Mayor to be dealt with according to law, any person or persons found violating any of the provisions of this ordinance.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication according to law. (Ord. Bk. 11, Page 177; Jan.. 12, 1895.)

To protect telegraph, telephone and other poles erected or planted on the streets and alleys of Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Unlawful to post bills on poles.

That it shall be unlawful for any person or persons to post, tack or fasten any bills, posters, advertising or notices, or to paint, print or publish in any way any advertising or notice upon any telegraph, telephone, electric light, or other posts or poles, planted in the streets of Middletown, Ohio, by the permission or consent of council without the consent of the owner thereof.

Amount of license.

SECTION 2. Any person so offending and acting contrary to the provisions of this ordinance, shall be held guilty of a misdemeanor, and on conviction thereof before the mayor, shall be fined in any sum not exceeding ten dollars, and pay the costs of prosecution.

(August 13, 1886.)

THEATRES, SHOWS AND CIRCUSES.

Penalty for violation.

Regulating theatres, shows, circuses, etc., and fixing the amount of the license of the same.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

That before any person whatever, shall be permitted to exhibit or hold within the corporate limits of the city, any theatrical performance of any kind or any circus, menagerie, puppet show, or animal show of any kind, or tumbling, rope or wire dancing, or slight of hand or any natural or artificial curiosity, or deception, or representation of any kind, either real or fictitious, such as paintings or panoramas, musical contests, orany exhibition or entertainment of whatever name or nature for which money or reward is demanded or received, except lectures on scientific, historical or literary subjects; every such persons who may exhibit, show, or perform in any of the above mentioned ways shall be required first to obtain a license therefor from the Mayor of the city and shall pay to the said officer a fee or compensation as follows;

Theaters, shows, etc.

For one day or night not less than two dollars and not more than thirty dollars, and for any day or night after the first, the license shall not be less than one dollar and not more than twenty dollars, and an additional fee of fifty cents to the mayor for a license.

Halls or theaters may be licensed by the year.

SECTION 2. That any hall, theatre, or other place of amusement wherein shows or any theatrical performances are held or exhibited for pay or reward, owned or occupied by any resident citizen of the City of Middletown, such owner or occupant may be licensed by the year upon application made therefore to the mayor of the city, and upon payment to the said officer the sum of fifty dollars per year for a yearly license for any show charging an admission fee of five cents and the sum of one hundred dollars per year for yearly license, for any show charging an admission fee of more than five cents.

Amount of license.

Penalty.

SECTION 3. Whoever violates any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof before the mayor shall be fined not less than two dollars and not more than fifty dollars and the costs of prosecution, and may be ordered by the mayor to be committed to the city prison of Middletown until the fine and costs are paid.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Feb. 10, 1888.)

(Amend Ord. Bk. 9, Page 112; April 8, 1910.)

TRAFFIC REGULATIONS.

To define the boundaries of the "closely built-up sections of the City of Middletown" and to fix the penalty for violations of the speed regulations for automobiles, motor cycles and self-propelled vehicles.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:—

Rate of speed in "closely built up section."

SECTION 1. That no owner or operator of any automobile, motor cycle or self-propelled vehicle shall drive, operate, or move or cause to be moved or permit the same to be driven, operated or moved on any street, alley or driveway of a public nature within the City of Middletown at a rate of speed in excess of eight (8) miles an hour within the territory bounded by Second Street on the north, Fourth street on the south, C. C. C. & St. L. Ry., right-of-way on the east, and Middletown Hydraulic on the west, said territory being hereby defined as "the closely built-up section of said City," not in excess of fifteen (15) miles an hour on any street, avenue or alley in said City outside of said territory, so as to endanger any property, the body, life or limb of any person, or the safety of the property, and under no circumstances shall two or more automobiles be operated abreast.

Definition of "closely built up section."

Rate of speed outside of such section.

SECTION 2. That the owner or operator of any such vehicle shall, when signalled by the occupant of any vehicle propelled by a fractious horse or horses, or by any police officer, stop such vehicle until such other vehicle has passed, or until permitted to proceed by such officer.

Motor vehicles to stop when signalled.

SECTION 3. That every automobile, motor cycle, or other self-propelled vehicle, except automobiles operated by electricity, in use upon the streets and in public places within the City of Middletown, shall be provided with a muffler to deaden the sound of the escape of the exhaust gases, and at no time shall the operator of such vehicle operate the same with the exhaust open or in other ways to make noises unusual to the normal operation of such vehicles.

Motor vehicles must have muffler.

SECTION 4. Any person violating any of the provisions of any of the sections of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than five dollars ($5.00) and not more than twenty-five dollars ($25.00) together with the costs of the prosecution.

Penalty.

SECTION 5. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 55-56; March 20, 1914.)

To regulate the use of the streets in the City of Middletown, by the persons who use vehicles thereon.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

All vehicles included.

SECTION 1. That the owner operator or person in charge of any cart, dray, wagon, coach, omnibus, automobile, bicycle, motor cycle or any other similar vehicle, shall within the territory herein named, be subject to the following regulations as to the right of way on the streets in the City of Middletown: He shall keep to the right hand side of the street and in meeting shall pass to the right when moving slowly he shall keep to the right curb so as to give vehicles moving at a greater rate of speed the use of the center part of the street, in turning corners when to the right, vehicles shall keep to the right, when to the left no turn shall be made until the opposite half of the lateral street has been reached, when not in motion, the right hand side of the vehicle shall be next to the curb or side line of the street except that at points where the grade may exceed four per cent (4%) either side of the vehicle may be next to the side line of the street. Said regulations to be in force and effect within the territory bounded on the north by First Street, on the east by Sutphin Avenue, on the south by Sixth Street and on the west by the Great Miami River; except that the regulation requiring any operator of any vehicle to keep to the right hand side of the street while his vehicle is in motion, shall apply and be in force upon all streets within the limits of said City, and any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $10.00 or more than $50.00 and costs of prosecution provided however that the regulations herein set forth shall not be construed to effect the rights of dealers at market who own curb space nor the right of any merchant to load or unload any wagon used in the regular course of his business on the curb in front of his place of business.

Law of road.

Turning corner.

Exception.

Regulated territory.

Penalty.

Reservations for dealers and merchants.

SECTION 2. That this ordinance shall take effect and be in force from and after ten days from the date of its publication.

(Ord. Bk. 8, Page 44; May 9, 1912.)

To regulate the use of bicycles in the streets of the City of Middletown.

Riding on sidewalk.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown,* that no person shall ride a bicycle on any of the sidewalks of the city of Middletown.

Bicycle must have light and bell.

SECTION 2. No person shall ride a bicycle through the streets of the city of Middletown after sunset or before sunrise without having a lighted lantern attached thereto casting a light in the direction in which such person is going of sufficient illuminating power to be visible at a distance of two hundred feet nor without having an alarm bell attached thereto, which bell shall be sounded on approaching and crossing street intersections.

Speed limit.

SECTION 3. No person shall ride a bicycle through the streets of the City of Middletown at a greater rate of speed than eight miles an hour; nor more than two persons shall ride abreast in the streets except during some parade and not then without permission from the Mayor.

Interference with traffic.

SECTION 4. No person shall ride a bicycle upon any street, avenue, lane, alley or other public way, in the City of Middletown, so as to interfere with any horse, truck or wagon or ladder truck or any other wagon or vehicle used by the fire department, while going to or from a fire.

Bicycle must keep to right.

SECTION 5. It shall be the duty of all persons riding any bicycle on any of the streets of public ways of the City to at all times keep on the right side of the road, in the direction he or she is going.

Penalty.

SECTION 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding five dollars and the costs of prosecution.

SECTION 7. That all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed and this ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 230; May 14, 1897.)

Declaring the making of certain noices within the City of Middletown to be a misdemeanor and providing a penalty therefor.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:—

Open exhaust on motor vehicles.

SECTION 1. That it shall be unlawful for any person operating any automobile, motor cycle, or other self-propelled vehicle within the City of Middletown to at any time operate the same with the exhaust open or in any other manner so as to make noises unusual to the normal operation of such vehicle, and every such vehicle while being used upon the streets of said City shall be provided with a suitable bell, horn or other signal device, and it shall be unlawful for any person to make or cause to be made any unnecessary noise with any such bell, horn, or other signal device or to use the same except as a warning of danger.

Such vehicles to have signal device.

Use of same.

Continuous noises for advertising purposes.

SECTION 2. That the use in the City of Middletown of any device for the purpose of advertising any business or occupation involving any continuous noises, such as blowing of whistles by steam or otherwise, the ringing of bells in or upon any building or vehicle, the sounding of gongs by electricity or otherwise in or upon any building or vehicle, or the tapping upon glass or other material or any noise produced by the means of electrical apparatus or otherwise in and upon any building, is hereby prohibited.

Disturbance of peace.

SECTION 3. It shall be unlawful for any person or persons to make any noise, disturbance or tumult to the disturbance of the peace of said City, or to make or permit to be made in or about his, her, or their house or any premises attached thereto any noise, disturbance or tumult to the disturbance of the peace and good order of said City; and for the purpose of enforcing this section it shall be lawful for any of the police to enter any house, outhouse, garden, or any place of amusement to arrest any person violating the same.

Power of police.

Penalty.

SECTION 4. Any person violating any of the provisions of any of the sections of this ordinance shall be declared to be guilty of a misdemeanor and shall be subject to a fine of not less than ten dollars ($10.00) nor more than twenty dollars ($20.00), together with the costs of the prosecution.

SECTION 5. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 56-57; March 20, 1914.)

To prevent the blockading of streets, sidewalks, and public ways of the City of Middletown, by placing thereon any boxes, bales, barrels, cans, or any other material or merchandise.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

Blockading sidewalks and public ways.

SECTION 1. That it shall be unlawful for any person, persons, partnership or corporation to place or cause to be placed upon any public street, alley or public way, or upon any sidewalks of any such street, alley or public way, any empty or full barrels, boxes, bales, cans or other package made for the purpose of holding merchandise or other material, or any household or kitchen furniture, fruits meat, or any other goods, wares or merchandise of any kind and permit the same to remain on any such street or sidewalk for any longer time than such as may enable such person, persons, partnership or corporation to remove the same from or to any conveyance or from or to any house, lot or building fronting on such street.

Allowing to remain on street or sidewalk.

Unloading of cars on travelled part of street.

SECTION 2. That it shall be unlawful for any person, persons, partnership or corporation to cause any car to be placed on the traveled portion of any street, alley or public way so that the same may be unloaded into any wagon, dray or other vehicle standing upon any street, alley or public way, and thereby impede public travel on such street, alley or public way.

Impeding travel by loading or unloading cars.

SECTION 3. That it is hereby declared to be unlawful to load or unload any car of any steam or electric railway standing upon any public street or public way, from or to any wagon, dray or other conveyance and thereby impede public travel on any street, alley or public way.

Who deemed guilty of violation.

SECTION 4. The person or persons, placing said material on such street, alley or public way, or loading or unloading any car, and the person in charge of the factory, building or store, occupied by such person, partnership or corporation, shall be deemed guilty of a violation hereof, if such person permits any violation of the first three sections of this ordinance in front of said premises, and the agent of any corporation having charge of the building occupied by such corporation shall be deemed to be the representative of such corporation and liable to prosecution for any violation of this ordinance by the servants, agents or employees of such corporation.

Penalty.

SECTION 5. Any person or persons who shall be found guilty of any violation of this ordinance or part thereof shall on conviction before the Mayor be fined in any sum not less than five dollars nor more than fifty dollars and the costs of prosecution.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 564-565; Nov. 13, 1903.)

AN ORDINANCE to prevent the obstruction of streets and alleys in the City of Middletown.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown*:

Unlawful to allow vehicles to stand on streets.

That it shall be unlawful for the driver, owner or person having the ordering or superintendence of any cart, dray, wagon, or other vehicle, new or old finished or unfinished, to suffer same to be and remain in any street, alley, avenue, or other highway within the limits of the City of Middletown, for more than one hour after the same has been placed there; provided, that nothing in this section shall be so construed as to interfere with market wagons on market days, and evenings previous thereto while attending market.

SECTION 2. It shall be unlawful for any person or persons to stop any carriage, wagon, dray, buggy, or other vehicle, so as to interrupt the crossing at the intersection of any street or alley, in the regular course of the sidewalk, and shall not immediately remove the same on request being made, or shall be absent from such carriage, wagon, or vehicle, if a horse or animal, or team shall be attached thereto, so that such request cannot be made.

Unlawful to stop vehicles at crossings.

SECTION 3. Any person or persons violating the provisions of the proceding sections, shall, upon conviction thereof before the mayor be fined in any sum not less than twenty-five dollars, and the costs of prosecution.

Penalty.

SECTION 4. All ordinances or parts of ordinances, in conflict with this ordinance, be and the same are hereby repealed, and this ordinance shall take effect and be in force from and after its passage.

(April 21, 1892.)

VACATION OF STREETS AND ALLEYS.

To vacate Kenton Street and a part of Crane street.

Whereas, on the 11th day of April A. D., 1902 a petition was presented to Council for the vacation of Kenton street and that part of Crane street lying East of an alley running along the east ends of lots 1521 and 1554; and

Whereas, notice of the pendency and prayer of said petition has been given as required by law, and upon hearing the council is satisfied that there is just cause for such vacation, and that the same would not be detrimental to the general interest and should be made.

Therefore, BE IT ORDAINED by the Council of the City of Middletown, Ohio, that Kenton street and that part of Crane street, lying east of any alley running along the east ends of lots 1521 and 1554 be and the same are hereby vacated, and this ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 505; June 27, 1902.)

To vacate a part of Clinton Street extended.

Whereas, on the 9th day of May, 1902, a petition was presented to Council for the vacation of the southern extremity of Clinton street extended being that portion of said street lying south and west of the main right of way of the Middletown and Cincinnati railroad; and,

Whereas, notice of the pendency and prayer of said petition has been given as required by law, and upon hearing the Council is satisfied that there is just cause for such vacation, and that the same would not be detrimental to the general interest and should be made.

Therefore BE IT ORDAINED by the Council of the City of Middletown, Ohio, that the above described part of said street be and the same is hereby vacated, and this ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 515; July 25, 1902.)

To vacate an alley between West Alley and Hydraulic Street.

Whereas, on the 9th day of May A. D. 1902 a petition was presented to Council for the vacation of an alley between Hydraulic street on the west and west alley, on the east and lying between lot 43 on the North and lot 46 on the south as said lots are known and designated on the recorded plat of the City of Middletown, Ohio; and,

Whereas, notice of the pendency and prayer of said petition has been given as required by law, and upon hearing the Council is satisfied that there is just cause for such vacation, and that the same would not be detrimental to the general interest, and should be made.

Therefore, BE IT ORDAINED by the Council of the City of Middletown, Ohio, that said alley as above mentioned be and the same is hereby vacated and this ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Page 514; July 25, 1902.)

To vacate an alley from Fifth street to the north line of lots No. 262 and 263, Middletown, Ohio.

Whereas, a petition was presented to the Council on the 24th day of Oct., 1902, praying for the vacation of an alley from Fifth Street south to the north line of lots No. 262 and 263 as said lots are known and designated on the recorded plat of the City of Middletown, Ohio; and,

Whereas, notice of the pendency and prayer of said petition has been given by publishing the same for six consecutive weeks as provided by law, and

Whereas, the Council is satisfied there is good cause for such vacation, that it will not be detrimental to the general interest, and that the same should be made.

Therefore, BE IT ORDAINED by the Council of the City of Middletown, State of Ohio, that said alley from Fifth street south to the north line of lots No. 262 and 263 be and the same is hereby vacated.

(Ord. Bk. 11, Page 535; Jan. 9, 1903.)

To vacate an alley in Gunckel and Johnston's Subdivision, running from Grimes Street to Sorg Street between Third Street and Second Street.

Whereas, on the tenth day of Nov. A. D. 1905, a petition by persons owning lots in the immediate vicinity of an alley running from Grimes street to Sorg street between Second and Third streets was duly presented to Council praying that said alley may be vacated, between the points named and notice of the pendency and prayer of said petition has been given as required by law for six consecutive weeks.

And whereas Council upon hearing being satisfied that there is good cause for such vacation as prayed for and it will not be detrimental to the general interest and said vacation ought to be made, Now Therefore,

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

SECTION 1. That an alley in Gunckel and Johnson's Subdivision running from Grimes street to Sorg street between Second and Third streets be and the same is hereby vacated.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 10, Page 123; Jan. 12, 1906.)

To vacate an alley running north and south between lots No. 1944 and 2475 in the City of Middletown.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

Whereas, on the eighth day of Dec. 1905 a petition by persons owning lots in the immediate vicinity of an alley running north and south between lots 2475 and 1944 in the City of Middletown was duly presented to Council praying that said alley between the points designated shall be vacated and notice of the pendency and prayer of the petition has been given as required by law by publication in The Daily Signal and The Daily Journal, newspapers of opposite politics, printed and of general circulation in said City, for six consecutive weeks,

And whereas Council upon hearing is satisfied that there is good cause for such vacation as prayed for and that it will not be detrimental to the general interest, and ought to be made.

Now Therefore, BE IT ORDAINED by the Council of the City of Middletown; State of Ohio:—

SECTION 1. That an alley running north and south between lots No. 2475 and 1944 being the alley running north and south long the west line of Flick's First Subdivision be and the same is hereby vacated.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 10, Page 143; April 13, 1906.)

An ordinance to vacate Forest Avenue from Garfield Avenue to the right of way of the C. C. C. & St. L. Ry.

Whereas, on the 13th day of Sept., 1907, a petition by the owners of all lots in the immediate vicinity of Forest Avenue, from Garfield Avenue to the C. C. C. & St. L. Ry., was presented to the Council of Middletown, Ohio, praying that said Street, between the points named, be vacated, and notice of the pendency and prayer of said petition has been given, as required by law, by publication in the Daily Journal and The Middletown News-Signal, newspapers of opposite politics and of general circulation in the City of Middletown, for six consecutive weeks, ending Oct. 19, 1907, and

Whereas, the Council upon hearing is satisfied that there is good cause for such vacation as prayed for, and that the vacation of said street between the points named will not be detrimental to the general interest, and ought to be made.

Now Therefore, BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

SECTION 1. That Forest Ave., from Garfield Ave., to the C. C. C. &St. L. Ry., be and the same is hereby vacated.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 10, Page 308; Dec. 12, 1907.)

AN ORDINANCE to vacate the Streets and alleys in the Steuber Addition to the City of Middletown, Butler County, Ohio.

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

SECTION 1. That the streets and alleys in the Steuber Addition to the City of Middletown, Ohio, be and the same hereby is vacated, said streets and alleys not being needed for municipal purposes and their vacation would not be detrimental to the general interest.

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 12; Sept. 10, 1909.)

AN ORDINANCE to vacate Grand Avenue from Curtis Avenue to Yankee Road.

Whereas, on the tenth day of December, 1909, a petition by persons owning all the lots in the immediate vicinity of Grand Avenue from Curtis Avenue to Yankee Road, was duly presented to Council praying that said Grand Avenue, between the points named, be vacated; and notice of the pendency and prayer of said petition has been given as required by law by publication in the News-Signal and Daily Journal, two newspapers of opposite politics, printed and of general circulation in the City of Middletown, for six consecutive weeks, ending Jan. 24, 1910, and,

Whereas, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for, that it will not be detrimental to the general interests and ought to be made.

Now Therefore, BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

SECTION 1. That Grand Avenue from Curtis Avenue to Yankee Road be and the same is hereby vacated.

SECTION 2. That this ordinance be and remain in full force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 89; March 11, 1910.

AN ORDINANCE to vacate Curtis Avenue, from the north line of lot number eighteen hundred and forty (1840) to Yankee Road and to accept the conditional dedication of other lands, for the purpose of opening up said Curtis Avenue from the north line of lot No. 1840 southwardly to its intersection with Yankee Road.

Whereas, on the 14th day of Jan. A. D. 1910 a petition by the persons owning all the lots in the immediate vicinity of Curtis Avenue, from the north line of lot No. 1840 southwardly to its present intersection with Yankee Road was duly presented to the Council of the City of Middletown, State of Ohio, praying that said Curtis Avenue between the points named be vacated and that in lien thereof said persons would dedicate to the city, sufficient lands to open up Curtis Avenue from said lot No. 1840 southwardly to Yankee Road, the said new street, to be a continuation of the present lines of Curtis Avenue as existing northwardly from said lot No. 1840 and notice of the pendency and prayer of said petition has been given as required by law, by publication in The Middletown News-Signal and The Daily Journal, two newspapers of opposite politics, printed and in general circulation in the City of Middletown, for six consecutive weeks ending Feb. 10, 1910, and

Whereas, the Council of the City of Middletown, upon hearing is satisfied that there is good cause for such vacation as prayed for; that it will not be detrimental to the general interests and that the dedication of said new lands for the opening and straightening the said Curtis Avenue will be of benefit to the City of Middletown by straightening the said street and that said vacation ought to be made.

Now, therefore, *BE IT ORDAINED by the Council of the City of Middletown, State of Ohio*:—

SECTION 1. That Curtis Avenue from the north line of lot No. 1840 southwardly to Yankee Road as now opened and in use be and the same is hereby vacated.

SECTION 2. That the Council will accept the dedication of the following lands, to-wit:—

Commencing at a point 110 feet south of the north line of lot No. 1837 thence continuing on a line extending the line of Curtis Avenue as the same exists north of said beginning point to Yankee Road; thence along Yankee Road to a point 60 feet south of the line above produced measured at right angles and thence northwardly parallel to the first described line and sixty feet distant therefrom until it intersects the east line on Curtis Avenue as opened and dedicated north of lot No. 1837 thence westwardly to the place of beginning.

And that said lands when dedicated and deeded to the City, shall hereafter be known as a portion of Curtis Avenue and that said dedication and said vacation shall be done at the same time.

SECTION 3. This ordinance shall be and remain in full force from and after the earliest period allowed by law.
(Ord. Bk. 9, Pages 92-93; March 11, 1910.)

To vacate an alley running southwardly from Seventh Street and between lots No. 1416, 1417, 1418, 1419, 1420 and 1421 and 1427, 1431 and 1432.

Whereas, on the 11th day of February 1910 a petition for persons owning all the lots in the vicinity of and abutting an alley running southwardly between lots No. 1416, 1417, 1418, 1419, 1420 and 1421 and lots No. 1427, 1431 and 1432 in Young's Addition to the City of Middletown, praying that said alley between said lots be vacated; and notice of the pendency and prayer of said petition has been given as required by law by publications in The Daily Journal and Daily News, two newspapers of opposite politics, printed and of general circulation in said City of Middletown, for six consecutive weeks ending March 31, 1910 ,and

Whereas, the Council upon hearing, is satisfied that there is good cause for said vacation as prayed for that it will not be detrimental to the general interests and that said vacation ought to be made.

Now, therefore, *BE IT ORDAINED by the Council of the City of Middletown*:—

SECTION 1. That an alley running southwardly between lots No. 1416, 1417, 1418, 1419, 1420 and 1421 and lots No. 1427, 1430, 1431 and 1432 in Youngs' Addition to Middletown be and the same is hereby vacated.

SECTION 2. This ordinance shall be and remain in force from and after the earliest period allowed by law.
(Ord. Bk. 9, Page 113; April 8, 1910.)

AN ORDINANCE to vacate an alley extending from Young Street to Grove Avenue and lying parallel with and midway between Grand Avenue and Jacoby Avenue, except that portion back of the two lots adjoining Grove Avenue.

Whereas, on the 11th day of May A. D. 1910 a petition by persons owning all the lots in the immediate vicinity of of the alley extending from Young Street to Grove Street and lying parallel with and midway between Grand Avenue and Jacoby Avenue, except that portion back of the two lots adjoining Grove Avenue was duly presented to Council, praying that said alley between the points named be vacated, and notices of the pendency and prayer of said petition has been given as required by law, by publication in the Middletown News-Signal and Middletown Journal, two newspapers of general circulation in the corporation, for six weeks ending June 25, 1910, and

Whereas, Council upon hearing, is satisfied that there is good cause for such vacation as prayed for, that it will not be detrimental to the general interest, and ought to be made, now, therefore, *BE IT ORDAINED by the Council of the City of Middletown, State of Ohio.*

SECTION 1. That the alley extending from Young Street to Grove Avenue and lying parallel with and midway between Grand Avenue and Jacoby Avenue, except that portion back of the two lots adjoining Grove Avenue be and the same is hereby vacated upon the School Board granting upon John Wilson and John Igo a right of way sixteen feet wide immediately east of their lots.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 9, Page 236; Oct. 14, 1910.)

To vacate a portion of the north side of Second Street from the intersection of the west line of Gunckel & Johnson's subdivision to Sutphin Ave., and also a portion of North Street between the same lines for the purpose of straightening said streets and to accept a similar amount on the south side.

Whereas, on the 14th day of July A. D. 1911 a petition by persons owning all the lots in the vicinity of Second Street and also on North Street from the west line of Gunckel and Johnson's Addition to Middletown to the east line of Sutphin Avenue, was duly presented to Council praying that ten feet off the north side of Second Street as laid out and dedicated by The Middletown Realty Company and also praying that a part of North Street according to a certain plat thereof presented to Council with said petition be vacated, and at the same time the said, The Middletown Realty Co., agreed to dedicate a similar amount of land off the north side of lots abutting said street, so as to make the said streets uniform and intersect the same streets in said Gunckel and Johnson's Addition and notice having been given as required by law, by publication in the Daily News-Signal and the Daily Journal, two newspapers of opposite politics, published and in general circulation in said corporation for six consecutive weeks, and

Whereas, Council upon hearing, is satisfied that such vacation and the acceptance of such dedication, will not be detrimental to the general interest, and that the same ought to be made as prayed for.

Now, Therefore,

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio.

SECTION 1. That ten feet off the north side of Second Street from Sutphin Avenue to the east line of Gunckel and Johnson's Addition, as said street was laid out and dedicated on the recorded plat of Park Place Addition be and the same is hereby vacated, upon The Middletown Realty Company dedicated as a part of said Second Street a similar number of feet to come evenly off the north side of lot No. 5055 in said Park Place Addition.

SECTION 2. That so much of North Street as lies north of a line as shown on the plat heretofore referred to be and the same is hereby vacated upon the said The Middletown Realty Co., dedicated for street purposes a similar number of feet off the north side of the lot abutting said North Street.

SECTION 3. That the dedication of the lands hereinbefore referred to made by said The Middletown Realty Company be and the same are hereby accepted, as parts of Second Street and North Street respectively in said City.

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.
(Ord. Bk. 9, Page 452-453; Sept. 8, 1911.)

AN ORDINANCE to vacate a part of Fourth Street from the east line of the beater room of the Wrenn Paper Company to the Miami River.

Whereas, on the ninth day of June, 1911, a petition by persons owning lots in the immediate vicinity of Fourth

Street, from Water Street to the Miami River, was duly presented to Council praying that a part of said Fourth Street described as follows: "Commencing at the northeast corner of the beater room of the Wrenn Paper Company; thence northwardly on a line extending the east line of said beater room 7 feet; thence westwardly parallel with the north line of said beater room to the Miami River; thence southwardly to a point that would intersect a line drawn westwardly from the north line of said beater room; thence eastwardly along the north line of said beater room to the place of beginning," be vacated and notice of the pendency and prayer of said petition has been given as required by law by publication in the Daily News-Signal and The Daily Journal, newspapers of general circulation in the City of Middletown and for a period of six consecutive weeks, as required by law, and

Whereas, Council upon hearing is satisfied that there is good cause for such vacation as prayed for, that it will not be detrimental to the general interests, and ought to be made.

Now, Therefore,

BE IT ORDAINED by the Council of the City of Middletown, State of Ohio:—

SECTION 1. That the following portion of Fourth Street "Commencing at the northeast corner of the beater room of the Wrenn Paper Company; thence northwardly on a line extending the east line of said beater room seven feet; thence westwardly, parallel with the north line of said beater room to the Miami River; thence southwardly to a point that would intersect a line drawn westwardly from the north line of said beater room; thence eastwardly along the north line of said beater room to the place of beginning," be and the same is hereby vacated.

SECTION 2. That this ordinance be and remain in full force from and after the earliest period allowed by law.
(Ord. Bk. 9, Page 487; Nov. 10, 1911.)

To vacate certain alley lying on the south side of lots numbers 4517, 4515, 4514 and 4513, Middletown, Butler County, Ohio, from Mary Etta Ave., along the C. C. C. & St. L. Ry. Switch, thence north along said to Frank Ave.

Whereas, on the 8th day of February, 1912 a petition by persons owning lots in the immediate vicinity of Frank Avenue and Mary Etta Avenue in the City of Middletown, Butler County, Ohio, was duly presented to the Council of said City, praying that an alley lying between the C. C. C. & St. L. Ry. Switch and along the southwardly side of lots No. 4517, 4516, 4515, 4514 and 4513 and extending from Mary Etta Avenue along the north side of the C. C. C. & St. L. Ry. Switch for a distance of 160 feet, thence north for a distance of 174½ feet along the rear of said lots, coming out on Frank Avenue, and whereas, notice of the pendency and prayer of said petition has been given as required by law, by publication in Middletown Daily Journal, a newspaper of general circulation in said City of Middletown, Butler County, Ohio, for six consecutive weeks ending March 21, 1912.

And, whereas, Council upon hearing is satisfied there is good cause for such vacation as prayed for, that it will not be detrimental to the general interest, and that such vacation ought to be made. Now, Therefore,

SECTION 1. *Be it ordained,* that the said alley as herein above described and as is set out in said petition and shown on plat with said petition be and the same is hereby vacated.

SECTION 2. That this ordinance be and remain in full force and effect from and after the earliest date allowed by law.

(Ord. Bk. 8, Page 16; April 11, 1912.)

AN ORDINANCE to vacate a portion of Second Street, Middletown, Ohio.

Whereas, on the 17th day of April A. D. 1912, a petition by persons owning lots No. 31 and 32 as numbered and designated on the recorded plat of the City of Middletown, Ohio, and also owning other real estate in said immediate vicinity, was duly presented to Council praying that the following portion of Second Street be vacated to-wit:—

A strip twenty-one feet and nine inches wide and one hundred feet long, commencing at the north-west corner of said lot thirty-one and at the intersection of west alley and Second Street; thence eastwardly along the north line of said lot thirty-one, one hundred feet; thence northwardly and at right angles to said north line of said lot thirty-one, twenty-one feet and nine inches; thence westwardly and parallel with the north line of said lot thirty-one, one hundred feet; thence southwardly twenty-one feet and nine inches to the place of beginning the said west line of the strip herein described being parallel with the said east line thereof and also being a continuation of the east line of said west alley.

And, Whereas, notice of the pendency and prayer of said petition has been given as required by law by publication in the Middletown News-Signal and also in the Middletown Journal, two newspapers of general circulation in the Corporation of the City of Middletown, Ohio, for six consecutive weeks prior to the third day of June, 1912, and

Whereas, Council upon hearing is satisfied that there is good cause for such vacation as prayed for, that it will not be detrimental to the general interests and ought to be made.

Now, Therefore, *BE IT ORDAINED, by the Council of the City of Middletown, Ohio*:—

SECTION 1. That the following portion of Second Street in said City be and the same is hereby vacated, said portion being as follows:—

A strip twenty-one feet and nine inches wide and one hundred feet long, commencing at the northwest corner of lot thirty-one and at the intersection of west alley and Second Street; thence eastwardly along the north line of said lot thirty-one, one hundred feet; thence northwardly and at right angles to said north line of said lot thirty-one, twenty-one feet and nine inches; thence westwardly and parallel with the north line of said lot thirty-one, one hundred feet; thence southwardly twenty-one feet and nine inches to the place of beginning; the said west line of the strip herein described being parallel with the said east line thereof and also being a continuation of the east line of said west alley.

SECTION 2. That this ordinance be and remain in force from and after the earliest period allowed by law.

(Ord. Bk. 8, Page 57; June 28, 1912.)

To vacate a part of an alley situated on the west side of lots No. 475 and 476 as the same are known and designated on the recorded plat of the City of Middletown, Ohio.

Whereas, on the 29th day of August 1913, a petition by persons owning lots in the immediate vicinity of Clark Street and of lots No. 475 and 476 of said City was duly presented to Council praying that a part of a certain alley situated on the immediate west side of said lots No. 475 and 476 be vacated, and notice of the pendency and prayer of said petition has been given as required by law, by publication in the Middletown Journal, a newspaper of general circulation in the corporation, for six consecutive weeks, ending October 4th, 1913, and

Whereas, Council, upon hearing, is satisfied that there is good cause for such vacations as prayed for, that it will not be detrimental to the general interest and ought to be made.

Now, Therefore, *BE IT ORDAINED by the Council of the City of Middletown, State of Ohio*:—

SECTION 1. That a part of an alley immediately west of and adjoining lots No. 475 and 476 as same are known and designated on the recorded plat of the City of Middletown, Ohio, be and the same is hereby vacated.

SECTION 2. That this ordinance shall take effect and remain in force from and after the earliest period allowed by law.

(Ord. Bk. 8, Page 323; Nov. 11, 1913.)

To vacate a certain alley, being a stretch of land, seventeen feet in width running the same direction as Grant and Sherman streets in the City of Middletown, Ohio, from lots No. 2004 and 1966 to lots No. 2017 and 1953 as the same are known and designated on the recorded plat of the fourth ward of said city.

Whereas, on the 29th day of August, 1913, a petition by persons owning lots in the immediate vicinity of Grant and Sherman streets and of lots No. 2017, 1953, 2004 and 1966 of said City was duly presented to Council praying that a certain alley situated between lot No. 2004 and 1966 and lots 2017 and 1953 as the same are known and designated on the recorded plat of the fourth ward of the City of Middletown, Ohio, said alley being a strip of land seventeen feet in width and running the same direction as said Grant and Sherman streets, be vacated and notice of the pendency and prayer of said petition has been given as required by law, by publishing in the Middletown Journal, a newspaper of general circulation in the corporation, for six consecutive weeks, ending October 4th, 1913, and

Whereas, Council, upon hearing is satisfied that there is good cause for such vacation as prayed for, and it will not be detrimental to the general interest, and ought to be made.

Now, Therefore, *BE IT ORDAINED by the Council of the City of Middletown, State of Ohio*:—

SECTION 1. That a certain alley being a strip of land seventeen feet in width running the same direction as Grant and Sherman streets in said City from lots No. 2004 and 1966 to lots No. 2017 and 1953 as the same are known and designated on the recorded plat of the fourth ward of the City of Middletown, Ohio, be and the same is hereby vacated.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 8, Page 324; Nov. 11, 1913.)

To vacate an alley in the rear of lots No. 2610, 2608, and the east half of No. 2607 for a distance of one hundred and fifty feet westwardly from Bellemont Ave in the City of Middletown, Ohio.

Whereas, on the....... day of............ 1913, a petition by owners of lots in the immediate vicinity of an alley in the rear of lots 2610, 2609, 2608, and the east half of 2607 and extending westwardly one hundred and fifty feet from Bellemonte Avenue, was duly presented to the Council of the City of Middletown, praying that said alley as above described be vacated; and notice of the pendency and prayer of said petition has been given as required by law by publication in the News-Signal and the Middletown Journal, newspapers of general circulation in the City of Middletown, for six consecutive weeks ending on the 23d day of January, 1914, and

Whereas, The City Commission of said City, upon hearing is satisfied that there is good cause for such vacation as prayed for, that it will not be detrimental to the public good and interest and ought to be made.

Now, Therefore,

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:—

SECTION 1. That an alley in the rear of lots No. 2610 2609, 2608, and the east half of 2607 and extending westwardly for a distance of one hundred and fifty feet from

Bellemonte Avenue in said City be and the same is hereby vacated.

SECTION 2. That this ordinance shall be and remain in force from and after the earliest period allowed by law.
Ord. Bk. 3, Page 61; April 17, 1914.)

WARDS.

AN ORDINANCE to redistrict the city of Middletown, Ohio, into wards, Whereas, the General Assembly of the State of Ohio on the 22d day of Oct. 1912 enacted a law entitled, *"AN ACT"* to provide for the organization of Cities and Corporated Villages and to restrict their power of taxation, assessment borrowing money. Contracting debts and loaning their credit so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith.

And, Whereas, Section 117 of said act requires the Councils of Municipal Corporations to subdivide said Municipal Corporation into wards to contain as nearly as practicable an equal number of inhabitants:—

Therefore in pursuance of said law:—

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown, State of Ohio,* that said city of Middletown, Ohio, be and the same is hereby divided into four wards, with boundaries as hereinafter stated. Said wards contain as nearly as practicable an equal number of inhabitants.

FIRST WARD.

Boundaries described

The boundary of the First Ward shall commence at the intersection of the East bank of the Great Miami River and the Middle line of Fifth Street and the West Corporation line of the City; thence east on the center line of Fifth Street to the Center line of the Miami & Erie Canal; thence southwardly along the center line of the Miami & Erie canal to the center line of Sixth Street; thence eastwardly on Sixth Street to a point opposite the center line of Clinton Street; thence northwardly on the center line of Tytus Avenue, thence eastwardly on the center line of Tytus Avenue to the east Corporation line at Colin Gardner's residence, thence northwardly on the Corporation line to the said line at the Miami & Erie Canal; thence westwardly on the corporation line along the Miami & Erie Canal to the point opposite Hughes Street; thence westwardly to west bank of the Middletown Hydraulic race; thence west parallel with said north section line of section No. 28 to the Great Miami River; thence with the meanderings of the Great Miami River to the place of beginning.

SECOND WARD.

Boundaries described

The boundary line of the Second Ward shall commence at the intersection line of the East bank of the Great Miami River and the Middle Line of Fifth Street and the West corporation line of the city; thence eastwardly on the center line of Fifth Street to the center line of the Miami and Erie Canal; thence southwardly on the center line of the Miami & Erie Canal to the center line of Sixth Street; thence eastwardly on the center line of Sixth Street to the center line of South Young Street; thence southwardly on the center line of South Young Street to the South Corporation line with its bearings; thence northwardly with the meanderings of the Great Miami River to the place of beginning.

THIRD WARD.

Boundaries described

The boundary line of the Third Ward shall commence at the intersection of Tytus Avenue and the East Corporation line at Colin Gardner's residence; thence southwardly on the center line of Tytus Avenue to the center line of the Miami & Erie Canal; thence southwardly on the center line of the Miami & Erie Canal to its intersection with the center line of Clinton Street to Sixth Street; thence eastwardly on the center line of Sixth Street to the center line of Garfield Avenue; thence northwardly on the center line of Garfield Avenue to the center line of Fourth Street; thence eastwardly on the center line of Fourth Street to its intersection with Third Street or Cole's Road; thence eastwardly on the center line of Third Street or Cole's Road to the East Corporation line; thence northwardly with the bearings of said corporation line to the place of beginning.

FOURTH WARD.

Boundaries described

The boundary line of the Fourth Ward shall commence at the intersection of the East Corporation line and Cole's Road or Third Street; thence westwardiy on the center line of said Cole's Road or Third Street to its intersection with Fourth Street; thence westwardly on the center line of Fourth Street to the center line of Garfield Avenue, thence southwardly on the center line of Garfield Avenue to the center of Sixth Street; thence westwardly on the center line of Sixth Street to the center line of South Young Street; thence southwardly on the center line of South Young Street to the South Corporation line; thence eastwardly and northwardly on said Corporation line with its bearings to the place of beginning.

Duty of Mayor

SECTION 2. It shall be the duty of the Mayor of said city to issue his proclamation for elections held after this ordinance goes into effect according to the provisions of this ordinance.

SECTION 3. The ordinance entitled "An ordinance to redistrict the City of Middletown into wards," adopted on the 14th day of March, 1893, and all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(Ord. Bk. 11, Pages 523, 524, 525, 526; Dec. 3, 1902.)

WEEDS.

Providing for the removal of weeds from vacant lots, in the City of Middletown, Ohio.

BE IT ORDAINED by the City Commission of the City of Middletown, State of Ohio:—

Weeds to be removed from vacant lots.

SECTION 1. That the owner or owners, occupant or occupants, or any person, firm or corporation having the care of any vacant lot or land bordering on any street or public place within the city limits of Middletown, Ohio, shall cut down and remove, or cause to be cut down and removed from such lot all offensive unwholesome and noxious weeds, vines and grass; and such cutting down and removing shall be done at least twice annually, once on or about June 30 of each year and the second time on or about September 1 of each year.

Time for removal

Time for compliance

SECTION 2. If the provisions of the foregoing section are not complied with on or before the seventh day of July and on or before the seventh day of September of each year, the Chief of Police shall forthwith serve written notice upon the owner or owners, occupant or occupants, or any firm or corporation having the care of any such lot set forth in the foregoing section to remove or cause to be removed therefrom all such offensive, unwholesome and noxious weeds, vines and grass.

Written Notice from Chief of Police

Non-compliance with notice in 10 days

SECTION 3. Any such owner or owners, occupant or occupants, or any person, firm or corporation having the care of any such lot, who fails to comply with such notice set forth in the preceding section within ten days (10) from the receipt thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less than five ($5.00) dollars nor more than twenty-five dollars ($25.00).

Penalty

SECTION 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

(Ord. Bk. 3, Page 175; June 26, 1914.)

WEIGHTS AND MEASURES.

AN ORDINANCE for the regulation of weights and measures.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

Office of sealer created.

That from and after the taking effect of this ordinance there shall be a regulation of weights and measures within this city, and the standard of the State, now in the possession of the commissioners, of the County of Butler, shall be the test by which all weights and measures shall be compared and determined.

How and when appointed.

SECTION 2. The city council at the first meeting in the month of May, shall appoint some suitable person as sealer of weights and measures, scales and beams, who shall previously to taking upon himself the duties of his office, take an oath or affirmation faithfully to perform the same. The duties of which office shall be to try and compare all beams, scales, weights and measures, and to ascertain whether they agree with the several standards, and when found correct to seal the same.

Duties of sealer

Duties and compensation

SECTION 3. It shall be the duty of the sealer of weights and measures, within three months from the time of his appointment to visit every storehouse, work shop, markethouse, or other place where weights and measures are used in the weighing and measuring of articles of trade, for the purpose of inspecting weights and measures, scales or beams, and thereafter not more than once in each year. For each and every scale or beam, with its weights, which the inspector shall inspect and seal, he shall receive the sum of fifty cents, and for each measure he shall inspect and seal, the sum of five cents, and for every graduated beam or spring balance he shall receive the sum of twenty-five cents from the owner of the weights, measures, scales or beams and he shall cause his seal to be placed on each weight, measure, scale, or beam, which he may inspect or adjust.

Unlawful to sell by weight or measure unless sealed

SECTION 4. From and after the taking effect of this ordinance it shall be unlawful for any person to sell articles by weight or measure within the city, except such goods as are usually sold by troy weight, by any weights or measures other than those recognized in section first of this ordinance, or such other measures as are established by law. The dry capacity measures shall conform and be in proportion to the standard half-bushel, and whoever shall sell wares, goods, merchandise or marketing by any weights or measures, scales or beams that are not sealed, and which do not conform to the standards aforesaid upon complaint being made before the mayor of the city he shall have power to fine such persons so offending at his discretion, in any sum not exceeding ten dollars, which shall be collected by the marshall in the same manner as other fines are collected and to be paid in the treasury for the use and benefit of the city.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication.

(April 14, 1893.)

WORK-HOUSE.

AN ORDINANCE to provide for the imprisonment of violators of the city ordinances and for the paying of fines of costs by labor in the work-house at Dayton, Ohio.

SECTION 1. *BE IT ORDAINED by the Council of the City of Middletown:*

That the mayor of the City of Middletown be and the same is hereby authorized that, when imprisonment is made part of the penalty provided for the violation of any ordinance, he may upon conviction, sentence the defendant to the work-house at Dayton, Ohio, where said defendant shall remain and be kept at hard labor for the length of time which he has been sentenced.

SECTION 2. That the person who shall neglect or refuse to pay any fines, imposed on conviction, for the violation of any ordinance of the City of Middletown, and the costs of prosecution, he may be imprisoned, and kept at hard labor at the work house at Dayton, Ohio, or elsewhere until at the rate of sixty cents for each day's labor, exclusive of Sunday, he shall have earned an amount equal to such fines and costs.

SECTION 3. Any person sentenced to hard labor in said work-house shall be compelled to labor in or about the same, or elsewhere, as the trustees of said work-house or the superintendent thereof may direct.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication according to law.

(March 14, 1893.)

RULES AND REGULATIONS FOR THE GOVERNMENT OF THE MUNICIPAL WATER WORKS.

PREAMBLE.

In compliance with Section 141 of the Municipal Code of the State of Ohio, the Service Director of Middletown, Ohio, has adopted the following rules and regulations, governing the Water Works of Middletown, Ohio.

These rules having first been approved by the Board of Control and the City Solicitor of Middletown, Ohio.

Purpose of rules and regulations

ARTICLE 1. The Water Works of Middletown, Ohio, having been built for the protection of property by fire, and to supply water to any one that might want to use city water, now, for the safe and efficient management of the Middletown Water Works these Rules and Regulations have been established.

The revenue of said Water Works is to be applied for the maintenance and operation of the same.

Revision

The Service Department hereby deserves the right to make any revision or changes in these rules and regulations that they may deem necessary, provided that no person shall be called upon for an increase of rate during any unexpired term for which the rent shall have been paid, except in misrepresentation in the amount consumed.

Duties of Superintendent

ART. 2. The Superintendent shall have general charge of the water works pipes, valves, fire hydrants, and everything pertaining to water works. It shall be the duty of the Superintendent to see that the Rules and Regulations of the Water Works are properly enforced, provided however, that the said Superintendent shall not make any contracts or any purchases for said Water Works without the consent of the Director of Public Service in charge.

Duties of Chief Engineer

ART. 3. The Chief Engineer of the Water Works shall have charge of the Water Works plant, Water Works pumps, engines, boilers and all machinery connected with the Water Works. It shall be the duty of the Chief Engineer to have supervision of the operation of all machinery attached therewith. He shall report from time to time, such information as to the conditions and improvements necessary to maintain the plant in its best working order. He shall make a requisition on the Director of Public Service for all material that he may need for the maintenance of the plant. He shall not employ any help, contract for any material or make any purchases for the Middletown Water Works without the consent of the Director of Public Service in charge.

Duty of Assistant Engineer

ART. 4. It shall be the duty of the Assistant Engineer to be under the direction of the Chief Engineer, when on duty.

Duty of Collector

ART. 5. It shall be the duty of the Collector of the Water Works to have the care and safe-keeping of the books and papers belonging to the Water Works. To keep a correct account of all receipts, disbursements and other transactions with the Water Works; to keep a register of all consumers, collect all water rents and other money due the Works, and each month submit to the Director of Service, an itemized statement of the receipts and disbursements, and in January and July of each year, submit to said Director, a full and detailed report ending with January 1st of each year thereafter. All money, received by the Water

Reports

Works collector on account of the Water Works, shall be paid weekly into the City Treasury or oftener if he has received the sum of five hundred dollars, and all moneys paid into the City Treasury on account of said Water Works, shall be placed to the credit of the Middletown Water Works, to which use they are exclusively appropriated and shall not be paid out except on the order of the Public Service Director in charge.

Disposition of money

Office hours

The office of the department of water shall be kept open every week day from 8:00 a. m., until 12 noon, and from 1:00 p. m., to 5:00 p. m. Saturday afternoons and legal holidays excepted. During the months of January, April, July and October the office will be kept open on Monday evenings from 6:30 to 8:00 p. m., being the months of collection.

Inspector

ART. 6. (a) There shall also be an Inspector of Water Works, who shall serve under the Director of Public Service Department, for such time as the Department may deem necessary for the good and efficient management of the Middletown Water Works.

Power of Superintendent and Inspector to enter property

(b) The Superintendent and Inspector may at reasonable hours, enter into any building or house supplied with water from said Department of Water, and upon the grounds traversed by the water of said works, to examine bibs, pipes, meters, cisterns, tanks or other apparatus for the purpose of ascertaining the quantity of water consumed or supplied.

Tampering with fire hydrant

ART. 7. No person except the Engineer, Superintendent or Fire Department, for fire purposes, shall open any fire hydrant or take water from any public or private hydrant plug, hose, pipe or fountain, or in any way take any water for private use unless each person shall first pay for the same, and receive the usual permit from the Clerk.

Permit to connect

ART. 8. Application for permits to connect service or supply pipe with the distributing pipes, must be made to the Clerk of the City Commission, and the sum of $10.00 shall be paid in advance for inserting a ⅝-inch attachment, and the sum of $15.00 shall be paid for inserting a 1-inch attachment. When a pipe greater than 1 inch is to be used, a special permit must be applied for, provided, than on streets paved with asphalt 35c per square foot additional shall be paid in excess of the permit charge above mentioned, and on streets paved with macadam 15c per square foot shall be paid in excess of the permit charge above mentioned. An approximate estimate of the amount of street service to be torn up shall be given by the applicant for such permit. In the event more of said street is torn up than was estimated by the applicant, such applicant shall pay for such excess at the schedule rate above mentioned under penalty of a forfeiture of his license.

Fee for permit

Laying of water and gas pipes in same trench

ART. 9. When it becomes necessary to lay water pipe and gas pipes into any building along any paved street, both pipes shall be laid in same trench, if the grade of the water pipe does not conform to grade of gas pipe as prescribed by Gas Company, plumber shall fill and properly tamp such ditch to proper grade for Gas Company pipe. The plumber's responsibility shall here cease and the Gas Company must assume all responsibility and see that the ditch is closed before night, so as to avoid all accidents. Arrangements must be made by plumber and Gas Company to carry out above rule.

Connection must have meter

ART. 10. On and after January the first, 1915, it shall be unlawful for any person, firm or corporation within the City of Middletown to maintain and use any connection from the water mains of said city and into the home, place of business or manufacturing plant of any such person, which said connection is of a diameter of more than 5/8 inches, unless and until such connection shall be furnished with a suitable meter for measuring the water as it flows there through, which said meter shall be installed and maintained at their own expense and under the direction of and shall be to the satisfaction of the Superintendent of Water Works of said City and approved by the Ohio Inspection Bureau.

Installation

Non-compliance with rule

It shall be the duty of said Superintendent of Water Works to forbid the use of the city water through such connections after said date unless the provisions of this rule are complied with; and that he shall not make any charge for water on fire lines when same is used in case of fire.

(a) The Service Department reserves the right to place meters on any or all services connected to the Water Works mains.

(b) Any consumer who has a meter set on his premises shall be subject to all costs of buying and setting of meters or renting of meters as per schedule rates as otherwise provided for.

(c) The renter of a meter shall be held responsible for the meter in his custody, and shall pay all costs of damage from any cases over which he has control. When repairs are occasioned by wear of meter owned by consumer, the owner shall pay for all repairs necessary.

(d) No meter shall be taken off by plumbers or others, after it has been set, except by written permit of the Department of Public Service. Any plumber or pipe fitter or other person, violating this section shall be punished according to law.

(e) If a meter fails to register properly, the bills for water shall be estimated from readings taken when meter was in proper order, or from other available information. No deductions will be made where leakage or waste occurs.

Use without permit

ART. 11. Any person taking or using water from any hydrant or stopcock for domestic or other purposes where there is no meter without first having obtained a permit from the Clerk, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five or not more than fifty dollars.

Use by others

Any consumer who shall habitually permit others, not members of his family to use water from his or their pipes and any person who shall thus obtain water shall be fined in a sum of not less than five dollars nor more than ten dollars.

ART. 12. Hydrants shall not be located in such a manner as to afford parties occupying neighboring premises or the public ready access to them, unless such hydrant is securely closed and protected against general use. And all parties having access to such hydrants shall first have their premises assessed, and pay for supplying the same with water.

Location of hydrants

ART. 13. In all cases where the water is turned off for any violation of the rules, the owner of such premises shall pay one dollar for turning the water off and on.

Charge for turning water off and on

ART. 14. If proprietors of lumber yards, manufacturies, halls, stores, hotels or public buildings, regular consumers of water, from the Works, wish to lay large pipes, with hydrant and hose couplings to be used in case of fire, they will be permitted to connect with the street mains at their own expense and will be allowed the use of water, for fire purposes only, free of charge, provided however, that application be made to the Service Department and be under its supervision.

Provisions for private water service

ART. 15. Cisterns located on premises where there is no hydrant, must not be filled from any hydrant in any case, without special permit from the Water Works.

Permit for filling cistern

ART. 16. Street sprinklers and garden hydrants must not be allowed to run to waste nor be converted into jets, neither may they be used for sprinkling or washing the premises of adjoining or opposite property.

Use of sprinklers and garden hydrants

ART. 17. When a street or alley is broken up to lay or repair a pipe, the hole or trench shall be covered before dark of the same day and the surface put in good condition without delay. If for a good reason, the trench cannot be closed the same day, red lights must be displayed and excavations barricaded as provided by law.

Protection of trench

ART. 18. An extension of water mains will not be laid except by special order of the Department of Public Ser-

Extension of water mains

vice, in any street or alley, the grade of which has not been regularly established, and the Superintendent, before laying any extension, shall obtain the grade of the street or alley from the City Civil Engineer, and shall obtain from such officer the location and sizes of all lateral or cross sewers within the line of the proposed extension.

Extension of mains

ART. 19. Extension of water mains will not be made unless the Service Department is satisfied that the water rents or other sources of revenue from such extensions will be equal to 10 per cent of the entire cost of the constructions of same extension.

Use of hand hose

ART. 20. The use of hand hose is permitted from 5:00 a. m., to 10:00 a. m., and from 4:00 p. m., to 9:00 p. m., for any of the purposes named in the permit, to-wit:—Sprinkling streets, yards and gardens, washing sidewalks, steps, windows and fronts; except in case of fire, or when there is an alarm of fire, during such time, the use of hand hose is positively prohibited for any of the uses heretofore enumerated, and any person so offending shall have their water service discontinued.

ART. 21. The following abuses are absolutely prohibited:—

Uses prohibited

First, in no case will hose be allowed for the purpose of sprinkling sidewalks or gardens, washing carriages or other vehicles, or domestic purposes, with flows or nozzles greater than one-fourth of an inch.

Any violation of the foregoing rule will subject the offender to have the water turned off immediately. And the unexpired term for which the water may have been paid shall be forfeited.

Second, permitting leaks.

Third, allowing the water to flow unnecessarily.

Excessive sprinkling prohibited

ART. 22. The water for street, sidewalk or garden sprinkling purposes must be fairly applied; and any excessive use thereof for these or other purposes is prohibited.

ART. 23. All water rents shall be in lien upon the property. No service, except those used for sprinkling purposes only, shall be allowed where the annual rental is less than $4.00.

Water rents a lien on property

ART. 24. The Superintendent and Authorized Agent of the Department of Public Service shall have free access at all reasonable hours of the day to all parts of the premises where water is supplied to make necessary examinations.

Access to premises

ART. 25. If a street washer, sprinkler or hose is found out of order, leaking or used for any other purpose than that for which it was permitted, unless by meter, the supply will be cut off without previous notice. No person without a written permit from the Clerk of the Water Works shall open any fire hydrant or remove, or obstruct, the stopcock cover of any fire hydrant, private cockstop, or place or deposit any dirt or other materials in said stopcock, boxes, or turn any public or private stopcock or commit any act tending to obstruct the proper and legal use thereof.

Abuse

Tampering with fire hydrant

ART. 26. Any person desiring to discontinue the use of Water Works water must give notice thereof in writing to the Clerk of the Water Works on or before Jan. 1st, April 1st, July 1st and Sept. 1st, and same will be shut off by Superintendent or they will be charged with water rent to the next rent day.

Notice of discontinuance

ART. 27. Where meters are in use, no attachments will be allowed outside the meter, but all water supplied through such service must be paid for at meter rates. Every house where a meter is set must have a separate service and a separate meter, and every double house where a meter is set must have separate meter for each side.

All water to pass thru meter

Meters must be kept accessible, so that statements can be taken at any time.

Persons purchasing property shall notify the water office of the change in ownership of such property to insure their receiving notice of rents due, etc.

Change of ownership of property

Double service

ART. 28. Whenever two or more parties are supplied with water from the same service pipe, on the failure of any one of said parties to pay his water rent when due, or to comply with the published rules and regulations of the director of public service, the supply of water to each service pipe will be withheld, without liabilities and damages to any of the other parties beyond the forfeiture of the amount paid.

Use of water by others

ART. 29. Plasterers, bricklayers, stone masons, cement walk builders, and others are especially notified not to take or use water from the department of water without a builder's permit for every separate job; and all owners or occupants are strictly prohibited from furnishing water or allowing the same to be taken from their service (unless metered) by any person without a permit signed by the office manager and cashier of the department of water. For any violation of this rule a penalty of $10.00 will be incurred, and the use of water will not be allowed on the premises until the penalty is discharged and cost of water paid.

Supply to boilers and gasoline engines

ART. 30. Steam boilers or gasoline engines taking a supply of water directly from the service pipe, depending on the hydrostatic pressure for supplying such boilers or gasoline engines, under working pressure, will be required to have tanks erected that will contain an ample quantity of water for supplying such boiler or boilers or gasoline engines for at least ten hours in case the water is shut off for necessary repairs or extensions, as the department will not be responsible for any accidents or damages to which such devices are frequently subject.

Sanitary and water fixtures charged so long as connected

ART. 31. In all occupied premises, every private fountain, bath, water closet, wash basin, sink or other fixture whether used or not, will be deemed and held as used, and will be charged for so long as such fountain, hydrant, bath, water closet, sink, or other fixture shall remain connected with the water pipes; and hose bibs and hydrants with hose connections will not be allowed without charge for hose use, whether used or not. Meter service excepted.

Sprinkling service to stop Nov. 1st

ART. 32. At private residences where water is taken during the summer season, for hose use only, the service will be shut off Nov. 1st, unless notice is given at the office that the water is desired during the winter season, when the use of same shall be governed by the tariff rates; but in no case shall the water be left turned on where the charge shall be less than $3.00 for the six months from Nov. 1st to May 1st.

Every separate house must have a separate meter, and where one or more houses are connected on one meter they must pay at the rate of one meter each. This applies also to double houses.

ART. 33. Prices as follows:—

Prices for various services

(a)	Bathing Tubs, per annum	$2.75
	Domestic, 1 faucet private house	4.40
	Wash Stands, private house	1.10
	House occupied by more than one family, for each family	4.40
	Motor washing machine	2.20
(b)	Water used for building purposes:—	
	Laying stone, per perch	.04
	Laying brick, per 1,000	.10
	For sprinkling brick, per 1,000	.05
	Plastering per 100 yards	.25
	Concrete, per cubic yard	.04
(c)	Private stables, each stall	1.10
	Public and parochial schools	free
(d)	Sprinkling streets, lawns, gardens, per front foot	.10

No charge for less than $3.00 will be made for sprinkling purposes.

All bills for Water, by flat or assessed rates, are subject to a discount of 10 per cent if paid by the 20th of January or July. All bills payable semi-annually in advance.

Schedule of rents for water meters

ART. 34. All new jobs must be connected up with a meter that has the approval of the Board of Control and can be bought or rented from the Department of Public

Service the cost of which shall be the actual cost of the meter and setting.

METER RENTS TO BE AS FOLLOWS:

5/8 inch water meters, rent per month	15c
1 inch water meters, rent per month	25c
1½ inch water meters, rent per month	30c
2 inch water meters, rent per month	40c

Special rates for larger meters.

Water rates for meters

ART. 35. The use of water for all purposes by meter shall be charged for at the following rates per quarter:—

1,000 cu. ft or less	$1.10 per quarter
More than 1,000 cu. ft. and less than 5,000 cu. ft	.80 per 1,000 cu. ft.
More than 5,000 cu. ft. and less than 10,000 cu. ft.	.70 per 1,000 cu. ft.
10,000 cu. ft. and over	.60 per 1,000 cu. ft.

All bills for water used through meter are subject to a discount of 10c per 1,000 cu. ft., if paid before the 20th day of January, April, July and October. If not paid by the 30th of the month water will be shut off without any further notice.

Abatement of water rent

ART. 36. No abatement of water rent will be allowed by reason of removal, disuse, or discontinued use, or vacant premises unless notice thereof is left at the office at the time when such change takes place. A credit for such time that water was not used will be allowed on next bill, this credit to be measured by the Service Department. But under no circumstances or conditions will any money be refunded. It will be the duty of the property owner to have water shut off at curb when such conditions exist by the Superintendent of the Water Works and shall be turned on by him when ordered by the proper authority for which $1.00 will be charged.

ART. 37. These Rules and Regulations shall be in force and take effect on and after March 1, 1910. All By-

Laws in conflict with the foregoing are hereby repealed, and these Rules and Regulations shall take effect and be in force from and after their adoption.

(Feb. 15, 1913.)
Amend. Ord. Bk. 3, Page 218; Sept. 18, 1914.)
(Amend. Ord. Bk. 3, Page 255; Oct. 9, 1914.)

HOW TO TEST YOUR METER.

A meter will not register more water than passes through it, popular opinion to the contrary notwithstanding, and if surprised at the amount of your bill, test your meter; it requires no expert to do it and a simple method is this: See that no water is being drawn from any of the fixtures and watch the circle on the dial registering the smallest number of cubic feet. If the hand moves at all there is a leak somewhere, the extent being shown by the movement of the hand. If this is the case find it and have it stopped. Finding no leak (the hand remaining stationary) draw into a tank or vessel, of which you know the exact contents, an amount of water, and you will find on referring to the dial that too much has not been registered; it may be less—more never.

If the lowest circle registers one cubic foot for every 7½ gallons passed, the hand will make one complete revolution, and the hand of the next highest circle, ten cubic feet, will move one point.

1-16 inch opening will discharge 590 gallons in 24 hours.

⅛ inch opening will discharge 2,376 gallons in 24 hours.

¼ inch opening will discharge 9,540 gallons in 24 hours.

½ inch opening will discharge 38,016 gallons in 24 hours.

¾ inch opening will discharge 85,680 gallons in 24 hours.

1 inch opening will discharge 151,920 gallons in 24 hours.

The above quantities are for a pressure of about 50 lbs. per square inch under average conditions. With a pressure of 90 or 100 lbs. per square inch they would be about 40% greater.

RULES AND REGULATIONS RELATING TO THE GOVERNMENT OF LICENSED PLUMBERS.

License necessary

1. No person shall introduce a ferrule or other fixture into the mains of the Department of Water except licensed plumbers or employees of this department. No person shall make any attachment to, or connection with the pipes of this department, or make any additions to, or alterations of any pipe, tap, cock, or other fixture, or change any plain faucet to a hose connection or other fixture connected with the pipes supplying water to consumers from the said department, unless licensed as a plumber by the Board of Control, under a penalty of not less than $25.00 for each and every offense.

Plumbers license

2. Any plumber wishing to do business in connection with the Department of Water shall, before receiving a license to do so, file in the office of the department his petition in writing, giving the name of his firm and the place of business, and ask to become a licensed plumber and permitted to perform work in connection with said department. The said petition must give satisfactory evidence that the applicant is (or employs permanently) a practical and experienced plumber; that he is a citizen of the United States, is a master of his trade, and that he will be governed in all respects by the rules and regulations which are or may be adopted by the department and that he will pay all fines imposed upon him for the violation of any of the ordinances of the City of Middletown, or rules and regulations of the Department of Water.

Conditions of bond

3. Said plumber shall execute to the city of Middletown a bond in the sum of $500.00 with two or more sureties, residents of the county, or a surety company to be approved by the Director of Service, conditioned to indemnify and save harmless the said city of Middletown of and from all damages and losses which may result from the work of said plumber being done carelessly or imperfectly; or in such a way that injury or loss results therefrom, or by reason or failure on the part of any employee to comply with all or any of the rules and regulations of the Director of Service and Board of Health of the City of Middletown re-

lating to plumbing, and all the rules and regulations relating to excavations in public streets and connections with the water pipes, and all ordinances now existing or hereafter adopted for said departments. Said bond shall indemnify and save harmless all damages which may be caused by private individuals by reason of careless or imperfect work, either in plumbing or in excavation of streets.

License only to person

4. No plumber shall allow his name to be used by any other person or party, either for the purpose of obtaining permits or doing any work under his license.

Responsibility

5. Plumbers shall be held responsible for the violation of any of the rules or regulations of the department of water by journeymen plumbers or others in their employ.

Forfeiture of license

6. The forfeiture or suspension of the license of any plumber operates as a forfeiture or suspension of the license of any co-partner; nor will a separate license be granted to any person interested in or employed by said firm as long as they may be so interested or employed.

Discontinuance of business

7. Any licensed plumber who shall discontinue his business, or any firm of licensed plumbers who shall dissolve partnership, shall forfeit their license.

To open or close curb cocks

8. No person except an employee of the department is allowed to open or close curb cocks, except licensed plumbers, who may do so for the purpose of stopping leaks, repairs, alterations, testing pipes, etc., and in no case shall the plumbers leave the water on when they find it off at the curb. Neither shall plumber loan to water takers or others any key for turning on or off water.

Size of taps

9. All attachments for ordinary service pipes shall be made by means of brass ferrules not greater than one inch bore, larger services to be made by means of split tees or clamps. Service pipes to be extra strong lead pipe up to one inch bore, from one inch to two inch bore shall be double extra strong lead, two inch and larger to be cast iron pipe.

Reports to be made

10. Within 48 hours after completing any attachment or connection, the plumber shall make a report in writing on blanks furnished by the department, the number and kind of fixtures and where attached, and that same is ready for meter, as water will not be turned on to any premises until such return is made by the plumber. In no case shall plumber turn on water only for testing.

Service curb cocks, stop and water valves

11. No plumber shall be permitted to enter the pipe or conduct water into any two distinct premises or tenements unless separate and distinct stopcocks shall be placed on the outside of such premises; and services two inches and larger must be provided with a valve in the street and a valve cistern, or man-hole; nor shall pipes be allowed to cross lots or adjoining premises. Every pipe must be furnished with a stop and waste-cock immediately after it enters cellar, so situated that the water can be completely shut off and drained when necessary to prevent freezing.

Depth of service

12. Every service pipe must be laid at a uniform depth of forty-two (42) inches below the surface from the main to the cellar. Service pipes must not be placed in same trench as sewer taps. In refilling trenches the earth must be properly tamped as the filling progresses, and the surface restored to practically as good condition as before the digging and so maintained for six months. No plumber allowed to make any tap or connection to the mains without having first obtained a permit to do so from the Service Director.

To continue curb connections

13. When a service pipe has been brought inside of the curb line to a stop-cock and closed a permit will be necessary for the further continuance of the service pipe.

Fire protection service

14. Whenever manufacturers and others desire fire protection services it is understood that the line must be distinctly separate from the regular water service and plumbers are forbidden to make any connections to fire protection services except for fire protection purposes.

How services shall be taken in

15. All services shall be carried to the cellar before any outlets shall be made, and no connection shall be made, be-

tween the main stop and waste and curb-cock. When there is no cellar meter may be placed in a pit or a meter box, same to be furnished by the property owner. On all services larger than one inch, plumbers shall set meters. Plumbers shall make provisions for setting of a meter on each side of a double house. Provisions must be made to set all meters in a horizontal position and take in all outlets.

When plumbers are responsible for water rents

16. Should a plumber fail or neglect to report any fixture that he should connect, the department will hold him responsible, for arrearage of the water rent from the date such fixtures was attached. Plumbers must use the proper openings for all meters. If this is not done an extra trip will have to be made to place the meter. A charge of 50 cents for each trip after the first will be made.

Plumbers not to break seals or remove meters

17. It shall be unlawful for any plumber to make any outlet before the meter, but all fixtures must be arranged so that all water will pass through the meter. Neither will any plumber be allowed to attach or remove any meter nor break any seal without a special permit. For the violation of any of these rules license will be suspended.

Boilers and heaters to have check valves

18. All boilers and heaters to have check valves placed close to boilers, to prevent hot water backing up into meter.

Rules printed on cards

19. The rules and regulations governing licensed plumbers shall be printed on cards and placed in the offices and workshops of each licensed plumber.

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